

121.17 **ARTICLE 3**

121.18 **POLLUTION CONTROL**

121.19 Section 1. Minnesota Statutes 2022, section 16A.151, subdivision 2, is amended to read:

121.20 Subd. 2. **Exceptions.** (a) If a state official litigates or settles a matter on behalf of specific

121.21 injured persons or entities, this section does not prohibit distribution of money to the specific

121.22 injured persons or entities on whose behalf the litigation or settlement efforts were initiated.

121.23 If money recovered on behalf of injured persons or entities cannot reasonably be distributed

121.24 to those persons or entities because they cannot readily be located or identified or because

121.25 the cost of distributing the money would outweigh the benefit to the persons or entities, the

121.26 money must be paid into the general fund.

121.27 (b) Money recovered on behalf of a fund in the state treasury other than the general fund

121.28 may be deposited in that fund.

122.1 (c) This section does not prohibit a state official from distributing money to a person or

122.2 entity other than the state in litigation or potential litigation in which the state is a defendant

122.3 or potential defendant.

122.4 (d) State agencies may accept funds as directed by a federal court for any restitution or

122.5 monetary penalty under United States Code, title 18, section 3663(a)(3), or United States

122.6 Code, title 18, section 3663A(a)(3). Funds received must be deposited in a special revenue

122.7 account and are appropriated to the commissioner of the agency for the purpose as directed

122.8 by the federal court.

122.9 (e) Tobacco settlement revenues as defined in section 16A.98, subdivision 1, paragraph

122.10 (t), may be deposited as provided in section 16A.98, subdivision 12.

122.11 (f) Any money received by the state resulting from a settlement agreement or an assurance

122.12 of discontinuance entered into by the attorney general of the state, or a court order in litigation

122.13 brought by the attorney general of the state, on behalf of the state or a state agency, related

122.14 to alleged violations of consumer fraud laws in the marketing, sale, or distribution of opioids

122.15 in this state or other alleged illegal actions that contributed to the excessive use of opioids,

122.16 must be deposited in the settlement account established in the opiate epidemic response

122.17 fund under section 256.043, subdivision 1. This paragraph does not apply to attorney fees

122.18 and costs awarded to the state or the Attorney General's Office, to contract attorneys hired

122.19 by the state or Attorney General's Office, or to other state agency attorneys.

122.20 (g) Notwithstanding paragraph (f), if money is received from a settlement agreement or

122.21 an assurance of discontinuance entered into by the attorney general of the state or a court

122.22 order in litigation brought by the attorney general of the state on behalf of the state or a state

122.23 agency against a consulting firm working for an opioid manufacturer or opioid wholesale

122.24 drug distributor, the commissioner shall deposit any money received into the settlement

122.25 account established within the opiate epidemic response fund under section 256.042,

122.26 subdivision 1. Notwithstanding section 256.043, subdivision 3a, paragraph (a), any amount

65.28 **ARTICLE 4**

65.29 **ENVIRONMENT AND NATURAL RESOURCES MODIFICATIONS**

122.27 deposited into the settlement account in accordance with this paragraph shall be appropriated
122.28 to the commissioner of human services to award as grants as specified by the opiate epidemic
122.29 response advisory council in accordance with section 256.043, subdivision 3a, paragraph
122.30 (d).

122.31 (h) If the Minnesota Pollution Control Agency, through litigation or settlement of a
122.32 matter that could have resulted in litigation, recovers \$250,000 or more in a civil penalty
122.33 from violations of a permit issued by the agency, then 40 percent of the money recovered
122.34 must be distributed to the community health board, as defined in section 145A.02, where
123.1 the permitted facility is located. Within 30 days of a final court order in the litigation or the
123.2 effective date of the settlement agreement, the commissioner of the Minnesota Pollution
123.3 Control Agency must notify the applicable community health board that the litigation has
123.4 concluded or a settlement has been reached. The commissioner must collect the money and
123.5 transfer it to the applicable community health board. The community health board must
123.6 meet directly with the residents potentially affected by the pollution that was the subject of
123.7 the litigation or settlement to identify the residents' concerns and incorporate those concerns
123.8 into a project that benefits the residents. The project must be implemented by the community
123.9 health board and funded as directed in this paragraph. The community health board may
123.10 recover the reasonable costs it incurs to administer this paragraph from the funds transferred
123.11 to the board under this paragraph. This paragraph directs the transfer and use of money only
123.12 and does not create a right of intervention in the litigation or settlement of the enforcement
123.13 action for any person or entity. A supplemental environmental project funded as part of a
123.14 settlement agreement is not part of a civil penalty and must not be included in calculating
123.15 the amount of funds required to be distributed to a community health board under this
123.16 paragraph. For the purposes of this paragraph, "supplemental environmental project" means
123.17 a project that benefits the environment or public health that a regulated facility agrees to
123.18 undertake, though not legally required to do so, as part of a settlement with respect to an
123.19 enforcement action taken by the Minnesota Pollution Control Agency to resolve
123.20 noncompliance.

123.21 **EFFECTIVE DATE.** This section is effective the day following final enactment and
123.22 applies to all litigation actions or settlements from which the Minnesota Pollution Control
123.23 Agency recovers \$250,000 or more on or after that date.

123.24 Sec. 2. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to
123.25 read:

123.26 Subd. 8a. **Microplastics.** "Microplastics" means particles of plastic less than 500
123.27 micrometers in size.

123.28 Sec. 3. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to
123.29 read:

123.30 Subd. 8b. **Nanoplastics.** "Nanoplastics" means plastic particles less than or equal to 100
123.31 nanometers in size.

95.4 Sec. 48. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to
95.5 read:

95.6 Subd. 8a. **Microplastics.** "Microplastics" means particles of plastic less than 500
95.7 micrometers in size.

95.8 Sec. 49. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to
95.9 read:

95.10 Subd. 8b. **Nanoplastics.** "Nanoplastics" means plastic particles less than or equal to 100
95.11 nanometers in size.

124.1 Sec. 4. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to
124.2 read:

124.3 Subd. 10a. **Plastic.** "Plastic" means a synthetic material made from linking monomers
124.4 through a chemical reaction to create a polymer chain that can be molded or extruded at
124.5 high heat into various solid forms that retain their defined shapes during their life cycle and
124.6 after disposal. Plastic does not mean natural polymers that have not been chemically
124.7 modified.

124.8 Sec. 5. Minnesota Statutes 2022, section 115.03, subdivision 1, is amended to read:

124.9 Subdivision 1. **Generally.** (a) The agency commissioner is ~~hereby~~ given and charged
124.10 with the following powers and duties:

124.11 ~~(a)~~ (1) to administer and enforce all laws relating to the pollution of any of the waters
124.12 of the state;

124.13 ~~(b)~~ (2) to investigate the extent, character, and effect of the pollution of the waters of
124.14 this state and to gather data and information necessary or desirable in the administration or
124.15 enforcement of pollution laws, and to make such classification of the waters of the state as
124.16 it may deem advisable;

124.17 ~~(c)~~ (3) to establish and alter such reasonable pollution standards for any waters of the
124.18 state in relation to the public use to which they are or may be put as it shall deem necessary
124.19 for the purposes of this chapter and, with respect to the pollution of waters of the state,
124.20 chapter 116;

124.21 ~~(d)~~ (4) to encourage waste treatment, including advanced waste treatment, instead of
124.22 stream low-flow augmentation for dilution purposes to control and prevent pollution;

124.23 ~~(e)~~ (5) to adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable
124.24 orders, permits, variances, standards, rules, schedules of compliance, and stipulation
124.25 agreements, under such conditions as it may prescribe, in order to prevent, control or abate
124.26 water pollution, or for the installation or operation of disposal systems or parts thereof, or
124.27 for other equipment and facilities:

124.28 ~~(f)~~ (i) requiring the discontinuance of the discharge of sewage, industrial waste or other
124.29 wastes into any waters of the state resulting in pollution in excess of the applicable pollution
124.30 standard established under this chapter;

124.31 ~~(g)~~ (ii) prohibiting or directing the abatement of any discharge of sewage, industrial
124.32 waste, or other wastes, into any waters of the state or the deposit thereof or the discharge
125.1 into any municipal disposal system where the same is likely to get into any waters of the
125.2 state in violation of this chapter and, with respect to the pollution of waters of the state,
125.3 chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and
125.4 specifying the schedule of compliance within which such prohibition or abatement must be
125.5 accomplished;

95.12 Sec. 50. Minnesota Statutes 2022, section 115.01, is amended by adding a subdivision to
95.13 read:

95.14 Subd. 10a. **Plastic.** "Plastic" means a synthetic material made from linking monomers
95.15 through a chemical reaction to create a polymer chain that can be molded or extruded at
95.16 high heat into various solid forms that retain their defined shapes during their life cycle and
95.17 after disposal. Plastic does not mean natural polymers that have not been chemically
95.18 modified.

95.19 Sec. 51. Minnesota Statutes 2022, section 115.03, subdivision 1, is amended to read:

95.20 Subdivision 1. **Generally.** (a) The agency commissioner is ~~hereby~~ given and charged
95.21 with the following powers and duties:

95.22 ~~(a)~~ (1) to administer and enforce all laws relating to the pollution of any of the waters
95.23 of the state;

95.24 ~~(b)~~ (2) to investigate the extent, character, and effect of the pollution of the waters of
95.25 this state and to gather data and information necessary or desirable in the administration or
95.26 enforcement of pollution laws, and to make such classification of the waters of the state as
95.27 it may deem advisable;

95.28 ~~(c)~~ (3) to establish and alter such reasonable pollution standards for any waters of the
95.29 state in relation to the public use to which they are or may be put as it shall deem necessary
96.1 for the purposes of this chapter and, with respect to the pollution of waters of the state,
96.2 chapter 116;

96.3 ~~(d)~~ (4) to encourage waste treatment, including advanced waste treatment, instead of
96.4 stream low-flow augmentation for dilution purposes to control and prevent pollution;

96.5 ~~(e)~~ (5) to adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable
96.6 orders, permits, variances, standards, rules, schedules of compliance, and stipulation
96.7 agreements, under such conditions as it may prescribe, in order to prevent, control or abate
96.8 water pollution, or for the installation or operation of disposal systems or parts thereof, or
96.9 for other equipment and facilities:

96.10 ~~(f)~~ (i) requiring the discontinuance of the discharge of sewage, industrial waste or other
96.11 wastes into any waters of the state resulting in pollution in excess of the applicable pollution
96.12 standard established under this chapter;

96.13 ~~(g)~~ (ii) prohibiting or directing the abatement of any discharge of sewage, industrial
96.14 waste, or other wastes, into any waters of the state or the deposit thereof or the discharge
96.15 into any municipal disposal system where the same is likely to get into any waters of the
96.16 state in violation of this chapter and, with respect to the pollution of waters of the state,
96.17 chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and
96.18 specifying the schedule of compliance within which such prohibition or abatement must be
96.19 accomplished;

125.6 ~~(3)~~ (iii) prohibiting the storage of any liquid or solid substance or other pollutant in a
125.7 manner which does not reasonably assure proper retention against entry into any waters of
125.8 the state that would be likely to pollute any waters of the state;

125.9 ~~(4)~~ (iv) requiring the construction, installation, maintenance, and operation by any person
125.10 of any disposal system or any part thereof, or other equipment and facilities, or the
125.11 reconstruction, alteration, or enlargement of its existing disposal system or any part thereof,
125.12 or the adoption of other remedial measures to prevent, control or abate any discharge or
125.13 deposit of sewage, industrial waste or other wastes by any person;

125.14 ~~(5)~~ (v) establishing, and from time to time revising, standards of performance for new
125.15 sources taking into consideration, among other things, classes, types, sizes, and categories
125.16 of sources, processes, pollution control technology, cost of achieving such effluent reduction,
125.17 and any nonwater quality environmental impact and energy requirements. Said standards
125.18 of performance for new sources shall encompass those standards for the control of the
125.19 discharge of pollutants which reflect the greatest degree of effluent reduction which the
125.20 agency determines to be achievable through application of the best available demonstrated
125.21 control technology, processes, operating methods, or other alternatives, including, where
125.22 practicable, a standard permitting no discharge of pollutants. New sources shall encompass
125.23 buildings, structures, facilities, or installations from which there is or may be the discharge
125.24 of pollutants, the construction of which is commenced after the publication by the agency
125.25 of proposed rules prescribing a standard of performance which will be applicable to such
125.26 source. Notwithstanding any other provision of the law of this state, any point source the
125.27 construction of which is commenced after May 20, 1973, and which is so constructed as to
125.28 meet all applicable standards of performance for new sources shall, consistent with and
125.29 subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water
125.30 Pollution Control Act, not be subject to any more stringent standard of performance for new
125.31 sources during a ten-year period beginning on the date of completion of such construction
125.32 or during the period of depreciation or amortization of such facility for the purposes of
125.33 section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period
125.34 ends first. Construction shall encompass any placement, assembly, or installation of facilities
125.35 or equipment, including contractual obligations to purchase such facilities or equipment, at
126.1 the premises where such equipment will be used, including preparation work at such
126.2 premises;

126.3 ~~(6)~~ (vi) establishing and revising pretreatment standards to prevent or abate the discharge
126.4 of any pollutant into any publicly owned disposal system, which pollutant interferes with,
126.5 passes through, or otherwise is incompatible with such disposal system;

126.6 ~~(7)~~ (vii) requiring the owner or operator of any disposal system or any point source to
126.7 establish and maintain such records, make such reports, install, use, and maintain such
126.8 monitoring equipment or methods, including where appropriate biological monitoring
126.9 methods, sample such effluents in accordance with such methods, at such locations, at such
126.10 intervals, and in such a manner as the agency shall prescribe, and providing such other
126.11 information as the agency may reasonably require;

96.20 ~~(3)~~ (iii) prohibiting the storage of any liquid or solid substance or other pollutant in a
96.21 manner which does not reasonably assure proper retention against entry into any waters of
96.22 the state that would be likely to pollute any waters of the state;

96.23 ~~(4)~~ (iv) requiring the construction, installation, maintenance, and operation by any person
96.24 of any disposal system or any part thereof, or other equipment and facilities, or the
96.25 reconstruction, alteration, or enlargement of its existing disposal system or any part thereof,
96.26 or the adoption of other remedial measures to prevent, control or abate any discharge or
96.27 deposit of sewage, industrial waste or other wastes by any person;

96.28 ~~(5)~~ (v) establishing, and from time to time revising, standards of performance for new
96.29 sources taking into consideration, among other things, classes, types, sizes, and categories
96.30 of sources, processes, pollution control technology, cost of achieving such effluent reduction,
96.31 and any nonwater quality environmental impact and energy requirements. Said standards
96.32 of performance for new sources shall encompass those standards for the control of the
96.33 discharge of pollutants which reflect the greatest degree of effluent reduction which the
96.34 agency determines to be achievable through application of the best available demonstrated
97.1 control technology, processes, operating methods, or other alternatives, including, where
97.2 practicable, a standard permitting no discharge of pollutants. New sources shall encompass
97.3 buildings, structures, facilities, or installations from which there is or may be the discharge
97.4 of pollutants, the construction of which is commenced after the publication by the agency
97.5 of proposed rules prescribing a standard of performance which will be applicable to such
97.6 source. Notwithstanding any other provision of the law of this state, any point source the
97.7 construction of which is commenced after May 20, 1973, and which is so constructed as to
97.8 meet all applicable standards of performance for new sources shall, consistent with and
97.9 subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water
97.10 Pollution Control Act, not be subject to any more stringent standard of performance for new
97.11 sources during a ten-year period beginning on the date of completion of such construction
97.12 or during the period of depreciation or amortization of such facility for the purposes of
97.13 section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period
97.14 ends first. Construction shall encompass any placement, assembly, or installation of facilities
97.15 or equipment, including contractual obligations to purchase such facilities or equipment, at
97.16 the premises where such equipment will be used, including preparation work at such
97.17 premises;

97.18 ~~(6)~~ (vi) establishing and revising pretreatment standards to prevent or abate the discharge
97.19 of any pollutant into any publicly owned disposal system, which pollutant interferes with,
97.20 passes through, or otherwise is incompatible with such disposal system;

97.21 ~~(7)~~ (vii) requiring the owner or operator of any disposal system or any point source to
97.22 establish and maintain such records, make such reports, install, use, and maintain such
97.23 monitoring equipment or methods, including where appropriate biological monitoring
97.24 methods, sample such effluents in accordance with such methods, at such locations, at such
97.25 intervals, and in such a manner as the agency shall prescribe, and providing such other
97.26 information as the agency may reasonably require;

126.12 ~~(8)~~ (viii) notwithstanding any other provision of this chapter, and with respect to the
126.13 pollution of waters of the state, chapter 116, requiring the achievement of more stringent
126.14 limitations than otherwise imposed by effluent limitations in order to meet any applicable
126.15 water quality standard by establishing new effluent limitations, based upon section 115.01,
126.16 subdivision 13, clause (b), including alternative effluent control strategies for any point
126.17 source or group of point sources to insure the integrity of water quality classifications,
126.18 whenever the agency determines that discharges of pollutants from such point source or
126.19 sources, with the application of effluent limitations required to comply with any standard
126.20 of best available technology, would interfere with the attainment or maintenance of the
126.21 water quality classification in a specific portion of the waters of the state. Prior to
126.22 establishment of any such effluent limitation, the agency shall hold a public hearing to
126.23 determine the relationship of the economic and social costs of achieving such limitation or
126.24 limitations, including any economic or social dislocation in the affected community or
126.25 communities, to the social and economic benefits to be obtained and to determine whether
126.26 or not such effluent limitation can be implemented with available technology or other
126.27 alternative control strategies. If a person affected by such limitation demonstrates at such
126.28 hearing that, whether or not such technology or other alternative control strategies are
126.29 available, there is no reasonable relationship between the economic and social costs and
126.30 the benefits to be obtained, such limitation shall not become effective and shall be adjusted
126.31 as it applies to such person;

126.32 ~~(9)~~ (ix) modifying, in its discretion, any requirement or limitation based upon best
126.33 available technology with respect to any point source for which a permit application is filed
126.34 after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory
126.35 to the agency that such modified requirements will represent the maximum use of technology
127.1 within the economic capability of the owner or operator and will result in reasonable further
127.2 progress toward the elimination of the discharge of pollutants; and

127.3 ~~(10)~~ (x) requiring that applicants for wastewater discharge permits evaluate in their
127.4 applications the potential reuses of the discharged wastewater;

127.5 ~~(6)~~ (6) to require to be submitted and to approve plans and specifications for disposal
127.6 systems or point sources, or any part thereof and to inspect the construction thereof for
127.7 compliance with the approved plans and specifications thereof;

127.8 ~~(7)~~ (7) to prescribe and alter rules, not inconsistent with law, for the conduct of the
127.9 agency and other matters within the scope of the powers granted to and imposed upon it by
127.10 this chapter and, with respect to pollution of waters of the state, in chapter 116, provided
127.11 that every rule affecting any other department or agency of the state or any person other
127.12 than a member or employee of the agency shall be filed with the secretary of state;

127.13 ~~(8)~~ (8) to conduct such investigations, issue such notices, public and otherwise, and hold
127.14 such hearings as are necessary or which it may deem advisable for the discharge of its duties
127.15 under this chapter and, with respect to the pollution of waters of the state, under chapter
127.16 116, including, but not limited to, the issuance of permits, and to authorize any member,

97.27 ~~(8)~~ (viii) notwithstanding any other provision of this chapter, and with respect to the
97.28 pollution of waters of the state, chapter 116, requiring the achievement of more stringent
97.29 limitations than otherwise imposed by effluent limitations in order to meet any applicable
97.30 water quality standard by establishing new effluent limitations, based upon section 115.01,
97.31 subdivision 13, clause (b), including alternative effluent control strategies for any point
97.32 source or group of point sources to insure the integrity of water quality classifications,
97.33 whenever the agency determines that discharges of pollutants from such point source or
97.34 sources, with the application of effluent limitations required to comply with any standard
97.35 of best available technology, would interfere with the attainment or maintenance of the
98.1 water quality classification in a specific portion of the waters of the state. Prior to
98.2 establishment of any such effluent limitation, the agency shall hold a public hearing to
98.3 determine the relationship of the economic and social costs of achieving such limitation or
98.4 limitations, including any economic or social dislocation in the affected community or
98.5 communities, to the social and economic benefits to be obtained and to determine whether
98.6 or not such effluent limitation can be implemented with available technology or other
98.7 alternative control strategies. If a person affected by such limitation demonstrates at such
98.8 hearing that, whether or not such technology or other alternative control strategies are
98.9 available, there is no reasonable relationship between the economic and social costs and
98.10 the benefits to be obtained, such limitation shall not become effective and shall be adjusted
98.11 as it applies to such person;

98.12 ~~(9)~~ (ix) modifying, in its discretion, any requirement or limitation based upon best
98.13 available technology with respect to any point source for which a permit application is filed
98.14 after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory
98.15 to the agency that such modified requirements will represent the maximum use of technology
98.16 within the economic capability of the owner or operator and will result in reasonable further
98.17 progress toward the elimination of the discharge of pollutants; and

98.18 ~~(10)~~ (x) requiring that applicants for wastewater discharge permits evaluate in their
98.19 applications the potential reuses of the discharged wastewater;

98.20 ~~(6)~~ (6) to require to be submitted and to approve plans and specifications for disposal
98.21 systems or point sources, or any part thereof and to inspect the construction thereof for
98.22 compliance with the approved plans and specifications thereof;

98.23 ~~(7)~~ (7) to prescribe and alter rules, not inconsistent with law, for the conduct of the
98.24 agency and other matters within the scope of the powers granted to and imposed upon it by
98.25 this chapter and, with respect to pollution of waters of the state, in chapter 116, provided
98.26 that every rule affecting any other department or agency of the state or any person other
98.27 than a member or employee of the agency shall be filed with the secretary of state;

98.28 ~~(8)~~ (8) to conduct such investigations, issue such notices, public and otherwise, and hold
98.29 such hearings as are necessary or which it may deem advisable for the discharge of its duties
98.30 under this chapter and, with respect to the pollution of waters of the state, under chapter
98.31 116, including, but not limited to, the issuance of permits, and to authorize any member,

127.17 employee, or agent appointed by it to conduct such investigations or, issue such notices and
127.18 hold such hearings;

127.19 ~~(H)~~ (9) for the purpose of water pollution control planning by the state and pursuant to
127.20 the Federal Water Pollution Control Act, as amended, to establish and revise planning areas,
127.21 adopt plans and programs and continuing planning processes, including, but not limited to,
127.22 basin plans and areawide waste treatment management plans, and to provide for the
127.23 implementation of any such plans by means of, including, but not limited to, standards, plan
127.24 elements, procedures for revision, intergovernmental cooperation, residual treatment process
127.25 waste controls, and needs inventory and ranking for construction of disposal systems;

127.26 ~~(H)~~ (10) to train water pollution control personnel; and charge ~~such training fees therefor~~
127.27 as are necessary to cover the agency's costs. All such fees received ~~shall~~ must be paid into
127.28 the state treasury and credited to the Pollution Control Agency training account;

127.29 (11) to provide chloride reduction training and charge training fees as necessary to cover
127.30 the agency's costs. All training fees received must be paid into the state treasury and credited
127.31 to the Pollution Control Agency training account;

127.32 ~~(H)~~ (12) to impose as additional conditions in permits to publicly owned disposal systems
127.33 appropriate measures to insure compliance by industrial and other users with any pretreatment
128.1 standard, including, but not limited to, those related to toxic pollutants, and any system of
128.2 user charges ratably as is hereby required under state law or said Federal Water Pollution
128.3 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

128.4 ~~(H)~~ (13) to set a period not to exceed five years for the duration of any national pollutant
128.5 discharge elimination system permit or not to exceed ten years for any permit issued as a
128.6 state disposal system permit only;

128.7 ~~(H)~~ (14) to require each governmental subdivision identified as a permittee for a
128.8 wastewater treatment works to evaluate in every odd-numbered year the condition of its
128.9 existing system and identify future capital improvements that will be needed to attain or
128.10 maintain compliance with a national pollutant discharge elimination system or state disposal
128.11 system permit; and

128.12 ~~(H)~~ (15) to train subsurface sewage treatment system personnel, including persons who
128.13 design, construct, install, inspect, service, and operate subsurface sewage treatment systems,
128.14 and charge fees as necessary to pay the agency's costs. All fees received must be paid into
128.15 the state treasury and credited to the agency's training account. Money in the account is
128.16 appropriated to the agency to pay expenses related to training.

128.17 (b) The information required in paragraph (a), clause ~~(H)~~ (14), must be submitted in
128.18 every odd-numbered year to the commissioner on a form provided by the commissioner.
128.19 The commissioner shall provide technical assistance if requested by the governmental
128.20 subdivision.

98.32 employee, or agent appointed by it to conduct such investigations or, issue such notices and
98.33 hold such hearings;

99.1 ~~(H)~~ (9) for the purpose of water pollution control planning by the state and pursuant to
99.2 the Federal Water Pollution Control Act, as amended, to establish and revise planning areas,
99.3 adopt plans and programs and continuing planning processes, including, but not limited to,
99.4 basin plans and areawide waste treatment management plans, and to provide for the
99.5 implementation of any such plans by means of, including, but not limited to, standards, plan
99.6 elements, procedures for revision, intergovernmental cooperation, residual treatment process
99.7 waste controls, and needs inventory and ranking for construction of disposal systems;

99.8 ~~(H)~~ (10) to train water pollution control personnel; and charge ~~such training fees therefor~~
99.9 as are necessary to cover the agency's costs. All such fees received ~~shall~~ must be paid into
99.10 the state treasury and credited to the Pollution Control Agency training account;

99.11 (11) to provide chloride reduction training and charge training fees as necessary to cover
99.12 the agency's costs not to exceed \$350. All training fees received must be paid into the state
99.13 treasury and credited to the Pollution Control Agency training account;

99.14 ~~(H)~~ (12) to impose as additional conditions in permits to publicly owned disposal systems
99.15 appropriate measures to insure compliance by industrial and other users with any pretreatment
99.16 standard, including, but not limited to, those related to toxic pollutants, and any system of
99.17 user charges ratably as is hereby required under state law or said Federal Water Pollution
99.18 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

99.19 ~~(H)~~ (13) to set a period not to exceed five years for the duration of any national pollutant
99.20 discharge elimination system permit or not to exceed ten years for any permit issued as a
99.21 state disposal system permit only;

99.22 ~~(H)~~ (14) to require each governmental subdivision identified as a permittee for a
99.23 wastewater treatment works to evaluate in every odd-numbered year the condition of its
99.24 existing system and identify future capital improvements that will be needed to attain or
99.25 maintain compliance with a national pollutant discharge elimination system or state disposal
99.26 system permit; and

99.27 ~~(H)~~ (15) to train subsurface sewage treatment system personnel, including persons who
99.28 design, construct, install, inspect, service, and operate subsurface sewage treatment systems,
99.29 and charge fees as necessary to pay the agency's costs. All fees received must be paid into
99.30 the state treasury and credited to the agency's training account. Money in the account is
99.31 appropriated to the agency to pay expenses related to training.

99.32 (b) The information required in paragraph (a), clause ~~(H)~~ (14), must be submitted in
99.33 every odd-numbered year to the commissioner on a form provided by the commissioner.
100.1 The commissioner shall provide technical assistance if requested by the governmental
100.2 subdivision.

128.21 (c) The powers and duties given the agency in this subdivision also apply to permits
128.22 issued under chapter 114C.

128.23 Sec. 6. Minnesota Statutes 2022, section 115.03, is amended by adding a subdivision to
128.24 read:

128.25 Subd. 12. **Biofuel plants.** A national pollutant discharge elimination system or state
128.26 disposal system permit issued by the agency to an ethanol plant, as defined in section 41A.09,
128.27 subdivision 2a; a biodiesel plant; or an advanced biofuel plant must, as a condition of the
128.28 permit, require the monitoring of wastewater for the presence of neonicotinoid pesticides
128.29 and perfluoroalkyl or polyfluoroalkyl substances. The permittee's monitoring system must
128.30 be capable of providing a permanent record of monitoring results which the permittee must
128.31 make available upon request of the commissioner or any person. The commissioner must
128.32 periodically inspect a permittee's monitoring system to verify accuracy.

129.1 Sec. 7. Minnesota Statutes 2022, section 115.061, is amended to read:

129.2 **115.061 DUTY TO NOTIFY; AVOIDING WATER POLLUTION.**

129.3 (a) Except as provided in paragraph (b), it is the duty of every person to notify the agency
129.4 immediately of the discharge, accidental or otherwise, of any substance or material under
129.5 its control which, if not recovered, may cause pollution of waters of the state, and the
129.6 responsible person shall recover as rapidly and as thoroughly as possible such substance or
129.7 material and take immediately such other action as may be reasonably possible to minimize
129.8 or abate pollution of waters of the state caused thereby.

129.9 (b) Notification is not required under paragraph (a) for a discharge of five gallons or
129.10 less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not
129.11 affect the other requirements of paragraph (a).

129.12 (c) Promptly after notifying the agency of a discharge under paragraph (a), a publicly
129.13 owned treatment works or a publicly or privately owned domestic sewer system owner must
129.14 provide notice to the potentially impacted public and to any downstream drinking water
129.15 facility that may be impacted by the discharge. Notice to the public and to any drinking
129.16 water facility must be made using the most efficient communications system available to
129.17 the facility owner such as in person, telephone call, radio, social media, web page, or another
129.18 expedited form. In addition, signage must be posted at all impacted public use areas within
129.19 the same jurisdiction or notification must be provided to the entity that has jurisdiction over
129.20 any impacted public use areas. A notice under this paragraph must include the date and time
129.21 of the discharge, a description of the material released, a warning of the potential public
129.22 health risk, and the permittee's contact information.

129.23 (d) The agency must provide guidance that includes but is not limited to methods and
129.24 protocols for providing timely notice under this section.

100.3 (c) The powers and duties given the agency in this subdivision also apply to permits
100.4 issued under chapter 114C.

S2904-2

31.6 Sec. 59. Minnesota Statutes 2022, section 115.061, is amended to read:

31.7 **115.061 DUTY TO NOTIFY; AVOIDING WATER POLLUTION.**

31.8 (a) Except as provided in paragraph (b), it is the duty of every person to notify the agency
31.9 immediately of the discharge, accidental or otherwise, of any substance or material under
31.10 its control which, if not recovered, may cause pollution of waters of the state, and the
31.11 responsible person shall recover as rapidly and as thoroughly as possible such substance or
31.12 material and take immediately such other action as may be reasonably possible to minimize
31.13 or abate pollution of waters of the state caused thereby.

31.14 (b) Notification is not required under paragraph (a) for a discharge of five gallons or
31.15 less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not
31.16 affect the other requirements of paragraph (a).

31.17 (c) Promptly after notifying the agency of a discharge under paragraph (a), a publicly
31.18 owned treatment works or a publicly or privately owned domestic sewer system owner must
31.19 provide notice to the potentially impacted public and to any downstream drinking water
31.20 facility that may be impacted by the discharge. Notice to the public and to any drinking
31.21 water facility must be made using the most efficient communications system available to
31.22 the facility owner such as in person, telephone call, radio, social media, web page, or another
31.23 expedited form. In addition, signage must be posted at all impacted public use areas within
31.24 the same jurisdiction or notification must be provided to the entity that has jurisdiction over
31.25 any impacted public use areas. A notice under this paragraph must include the date and time
31.26 of the discharge, a description of the material released, a warning of the potential public
31.27 health risk, and the permittee's contact information.

31.28 (d) The agency must provide guidance that includes but is not limited to methods and
31.29 protocols for providing timely notice under this section.

129.25 Sec. 8. Minnesota Statutes 2022, section 115A.03, is amended by adding a subdivision to
129.26 read:

129.27 Subd. 37a. **Waste treated seed.** "Waste treated seed" means seed that is treated, as
129.28 defined in section 21.81, subdivision 28, and that is withdrawn from sale or that the end
129.29 user considers unusable or otherwise a waste.

130.1 Sec. 9. Minnesota Statutes 2022, section 115A.1415, is amended to read:

130.2 **115A.1415 ARCHITECTURAL PAINT; PRODUCT STEWARDSHIP PROGRAM;**
130.3 **STEWARDSHIP PLAN.**

130.4 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
130.5 meanings given:

130.6 (1) "architectural paint" means interior and exterior architectural coatings sold in
130.7 containers of five gallons or less. Architectural paint does not include industrial coatings,
130.8 original equipment coatings, or specialty coatings;

130.9 (2) "brand" means a name, symbol, word, or mark that identifies architectural paint,
130.10 rather than its components, and attributes the paint to the owner or licensee of the brand as
130.11 the producer;

130.12 (3) "discarded paint" means architectural paint that is no longer used for its manufactured
130.13 purpose;

130.14 (4) "producer" means a person that:

130.15 (i) has legal ownership of the brand, brand name, or cobrand of architectural paint sold
130.16 in the state;

130.17 (ii) imports architectural paint branded by a producer that meets item (i) when the
130.18 producer has no physical presence in the United States;

130.19 (iii) if items (i) and (ii) do not apply, makes unbranded architectural paint that is sold in
130.20 the state; or

130.21 (iv) sells architectural paint at wholesale or retail, does not have legal ownership of the
130.22 brand, and elects to fulfill the responsibilities of the producer for the architectural paint by
130.23 certifying that election in writing to the commissioner;

130.24 (5) "recycling" means the process of collecting and preparing recyclable materials and
130.25 reusing the materials in their original form or using them in manufacturing processes that
130.26 do not cause the destruction of recyclable materials in a manner that precludes further use;

130.27 (6) "retailer" means any person who offers architectural paint for sale at retail in the
130.28 state;

UEH2310-2

100.5 Sec. 52. Minnesota Statutes 2022, section 115A.1415, is amended to read:

100.6 **115A.1415 ARCHITECTURAL PAINT; PRODUCT STEWARDSHIP PROGRAM;**
100.7 **STEWARDSHIP PLAN.**

100.8 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
100.9 meanings given:

100.10 (1) "architectural paint" means interior and exterior architectural coatings sold in
100.11 containers of five gallons or less. Architectural paint does not include industrial coatings,
100.12 original equipment coatings, or specialty coatings;

100.13 (2) "brand" means a name, symbol, word, or mark that identifies architectural paint,
100.14 rather than its components, and attributes the paint to the owner or licensee of the brand as
100.15 the producer;

100.16 (3) "discarded paint" means architectural paint that is no longer used for its manufactured
100.17 purpose;

100.18 (4) "producer" means a person that:

100.19 (i) has legal ownership of the brand, brand name, or cobrand of architectural paint sold
100.20 in the state;

100.21 (ii) imports architectural paint branded by a producer that meets item (i) when the
100.22 producer has no physical presence in the United States;

100.23 (iii) if items (i) and (ii) do not apply, makes unbranded architectural paint that is sold in
100.24 the state; or

100.25 (iv) sells architectural paint at wholesale or retail, does not have legal ownership of the
100.26 brand, and elects to fulfill the responsibilities of the producer for the architectural paint by
100.27 certifying that election in writing to the commissioner;

100.28 (5) "recycling" means the process of collecting and preparing recyclable materials and
100.29 reusing the materials in their original form or using them in manufacturing processes that
100.30 do not cause the destruction of recyclable materials in a manner that precludes further use;

101.1 (6) "retailer" means any person who offers architectural paint for sale at retail in the
101.2 state;

130.29 (7) "reuse" means donating or selling collected architectural paint back into the market
130.30 for its original intended use, when the architectural paint retains its original purpose and
130.31 performance characteristics;

131.1 (8) "sale" or "sell" means transfer of title of architectural paint for consideration, including
131.2 a remote sale conducted through a sales outlet, catalog, website, or similar electronic means.
131.3 Sale or sell includes a lease through which architectural paint is provided to a consumer by
131.4 a producer, wholesaler, or retailer;

131.5 (9) "stewardship assessment" means the amount added to the purchase price of
131.6 architectural paint sold in the state ~~that is necessary to cover the cost of collecting,~~
131.7 ~~transporting, and processing postconsumer architectural paint by the producer or stewardship~~
131.8 ~~organization pursuant to a product stewardship program to implement a product stewardship~~
131.9 ~~program according to an approved stewardship plan;~~

131.10 (10) "stewardship organization" means an organization appointed by one or more
131.11 producers to act as an agent on behalf of the producer to design, submit, and administer a
131.12 product stewardship program under this section; and

131.13 (11) "stewardship plan" means a detailed plan describing the manner in which a product
131.14 stewardship program under subdivision 2 will be implemented.

131.15 Subd. 2. **Product stewardship program.** For architectural paint sold in the state,
131.16 producers must, individually or through a stewardship organization, implement and finance
131.17 a statewide product stewardship program that manages the architectural paint by reducing
131.18 the paint's waste generation, promoting its reuse and recycling, and providing for negotiation
131.19 and execution of agreements to collect, transport, and process the architectural paint for
131.20 end-of-life recycling and reuse.

131.21 Subd. 3. **Participation required to sell.** (a) ~~On and after July 1, 2014, or three months~~
131.22 ~~after program plan approval, whichever is sooner,~~ No producer, wholesaler, or retailer may
131.23 sell or offer for sale in the state architectural paint unless the paint's producer participates
131.24 in an approved stewardship plan, either individually or through a stewardship organization.

131.25 (b) Each producer must operate a product stewardship program approved by the ~~agency~~
131.26 commissioner or enter into an agreement with a stewardship organization to operate, on the
131.27 producer's behalf, a product stewardship program approved by the ~~agency~~ commissioner.

131.28 Subd. 4. **Stewardship plan required.** (a) ~~On or before March 1, 2014, and~~ Before
131.29 offering architectural paint for sale in the state, a producer must submit a stewardship plan
131.30 to the ~~agency~~ commissioner and receive approval of the plan or must submit documentation
131.31 to the ~~agency~~ commissioner that demonstrates the producer has entered into an agreement
131.32 with a stewardship organization to be an active participant in an approved product
131.33 stewardship program as described in subdivision 2. A stewardship plan must include all
131.34 elements required under subdivision 5.

101.3 (7) "reuse" means donating or selling collected architectural paint back into the market
101.4 for its original intended use, when the architectural paint retains its original purpose and
101.5 performance characteristics;

101.6 (8) "sale" or "sell" means transfer of title of architectural paint for consideration, including
101.7 a remote sale conducted through a sales outlet, catalog, website, or similar electronic means.
101.8 Sale or sell includes a lease through which architectural paint is provided to a consumer by
101.9 a producer, wholesaler, or retailer;

101.10 (9) "stewardship assessment" means the amount added to the purchase price of
101.11 architectural paint sold in the state ~~that is necessary to cover the cost of collecting,~~
101.12 ~~transporting, and processing postconsumer architectural paint by the producer or stewardship~~
101.13 ~~organization pursuant to a product stewardship program to implement a product stewardship~~
101.14 ~~program according to an approved stewardship plan;~~

101.15 (10) "stewardship organization" means an organization appointed by one or more
101.16 producers to act as an agent on behalf of the producer to design, submit, and administer a
101.17 product stewardship program under this section; and

101.18 (11) "stewardship plan" means a detailed plan describing the manner in which a product
101.19 stewardship program under subdivision 2 will be implemented.

101.20 Subd. 2. **Product stewardship program.** For architectural paint sold in the state,
101.21 producers must, individually or through a stewardship organization, implement and finance
101.22 a statewide product stewardship program that manages the architectural paint by reducing
101.23 the paint's waste generation, promoting its reuse and recycling, and providing for negotiation
101.24 and execution of agreements to collect, transport, and process the architectural paint for
101.25 end-of-life recycling and reuse.

101.26 Subd. 3. **Participation required to sell.** (a) ~~On and after July 1, 2014, or three months~~
101.27 ~~after program plan approval, whichever is sooner,~~ No producer, wholesaler, or retailer may
101.28 sell or offer for sale in the state architectural paint unless the paint's producer participates
101.29 in an approved stewardship plan, either individually or through a stewardship organization.

101.30 (b) Each producer must operate a product stewardship program approved by the ~~agency~~
101.31 commissioner or enter into an agreement with a stewardship organization to operate, on the
101.32 producer's behalf, a product stewardship program approved by the ~~agency~~ commissioner.

102.1 Subd. 4. **Stewardship plan required.** (a) ~~On or before March 1, 2014, and~~ Before
102.2 offering architectural paint for sale in the state, a producer must submit a stewardship plan
102.3 to the ~~agency~~ commissioner and receive approval of the plan or must submit documentation
102.4 to the ~~agency~~ commissioner that demonstrates the producer has entered into an agreement
102.5 with a stewardship organization to be an active participant in an approved product
102.6 stewardship program as described in subdivision 2. A stewardship plan must include all
102.7 elements required under subdivision 5.

132.1 (b) ~~An A~~ proposed amendment to the plan, if determined necessary by the commissioner,
132.2 must be submitted to the commissioner for review and approval or rejection every five
132.3 years.

132.4 (c) ~~It is the responsibility of~~ The entities responsible for each stewardship plan ~~to must~~
132.5 notify the ~~agency~~ commissioner within 30 days of any significant proposed changes or
132.6 modifications to the plan or its implementation. Within 30 days of the notification, a written
132.7 proposed plan revision amendment must be submitted to the agency commissioner for
132.8 review and approval or rejection.

132.9 Subd. 5. **Plan content.** A stewardship plan must contain:

132.10 (1) certification that the product stewardship program will accept all discarded paint
132.11 regardless of which producer produced the architectural paint and its individual components;

132.12 (2) contact information for the individual and the entity submitting the stewardship plan,
132.13 a list of all producers participating in the product stewardship program, and the brands
132.14 covered by the product stewardship program;

132.15 (3) a description of the methods by which the discarded paint will be collected in all
132.16 areas in the state without relying on end-of-life fees, including an explanation of how the
132.17 collection system will be convenient and adequate to serve the needs of small businesses
132.18 and residents in both urban and rural areas on an ongoing basis and a discussion of how the
132.19 existing household hazardous waste infrastructure will be considered when selecting
132.20 collection sites;

132.21 (4) a description of how the adequacy of the collection program will be monitored and
132.22 maintained;

132.23 (5) the names and locations of collectors, transporters, and recyclers that will manage
132.24 discarded paint;

132.25 (6) a description of how the discarded paint and the paint's components will be safely
132.26 and securely transported, tracked, and handled from collection through final recycling and
132.27 processing;

132.28 (7) a description of the method that will be used to reuse, deconstruct, or recycle the
132.29 discarded paint to ensure that the paint's components, to the extent feasible, are transformed
132.30 or remanufactured into finished products for use;

132.31 (8) a description of the promotion and outreach activities that will be used to encourage
132.32 participation in the collection and recycling programs and how the activities' effectiveness
132.33 will be evaluated and the program modified, if necessary;

133.1 (9) the proposed stewardship assessment. ~~The producer or stewardship organization~~
133.2 ~~shall propose a uniform stewardship assessment for any architectural paint sold in the state.~~
133.3 ~~The proposed stewardship assessment shall be reviewed by an independent auditor to ensure~~
133.4 ~~that the assessment does not exceed the costs of the product stewardship program and the~~

102.8 (b) ~~An A~~ proposed amendment to the plan, if determined necessary by the commissioner,
102.9 must be submitted to the commissioner for review and approval or rejection every five
102.10 years.

102.11 (c) ~~It is the responsibility of~~ The entities responsible for each stewardship plan ~~to must~~
102.12 notify the ~~agency~~ commissioner within 30 days of any significant proposed changes or
102.13 modifications to the plan or its implementation. Within 30 days of the notification, a written
102.14 proposed plan revision amendment must be submitted to the agency commissioner for
102.15 review and approval or rejection.

102.16 Subd. 5. **Plan content.** A stewardship plan must contain:

102.17 (1) certification that the product stewardship program will accept all discarded paint
102.18 regardless of which producer produced the architectural paint and its individual components;

102.19 (2) contact information for the individual and the entity submitting the stewardship plan,
102.20 a list of all producers participating in the product stewardship program, and the brands
102.21 covered by the product stewardship program;

102.22 (3) a description of the methods by which the discarded paint will be collected in all
102.23 areas in the state without relying on end-of-life fees, including an explanation of how the
102.24 collection system will be convenient and adequate to serve the needs of small businesses
102.25 and residents in both urban and rural areas on an ongoing basis and a discussion of how the
102.26 existing household hazardous waste infrastructure will be considered when selecting
102.27 collection sites;

102.28 (4) a description of how the adequacy of the collection program will be monitored and
102.29 maintained;

102.30 (5) the names and locations of collectors, transporters, and recyclers that will manage
102.31 discarded paint;

103.1 (6) a description of how the discarded paint and the paint's components will be safely
103.2 and securely transported, tracked, and handled from collection through final recycling and
103.3 processing;

103.4 (7) a description of the method that will be used to reuse, deconstruct, or recycle the
103.5 discarded paint to ensure that the paint's components, to the extent feasible, are transformed
103.6 or remanufactured into finished products for use;

103.7 (8) a description of the promotion and outreach activities that will be used to encourage
103.8 participation in the collection and recycling programs and how the activities' effectiveness
103.9 will be evaluated and the program modified, if necessary;

103.10 (9) the proposed stewardship assessment. ~~The producer or stewardship organization~~
103.11 ~~shall propose a uniform stewardship assessment for any architectural paint sold in the state.~~
103.12 ~~The proposed stewardship assessment shall be reviewed by an independent auditor to ensure~~
103.13 ~~that the assessment does not exceed the costs of the product stewardship program and the~~

133.5 ~~independent auditor shall recommend an amount for the stewardship assessment. The agency~~
133.6 ~~must approve the stewardship assessment established according to subdivision 5a;~~

133.7 (10) evidence of adequate insurance and financial assurance that may be required for
133.8 collection, handling, and disposal operations;

133.9 (11) five-year performance goals, including an estimate of the percentage of discarded
133.10 paint that will be collected, reused, and recycled during each of the first five years of the
133.11 stewardship plan. The performance goals must include a specific goal for the amount of
133.12 discarded paint that will be collected and recycled and reused during each year of the plan.
133.13 The performance goals must be based on:

133.14 (i) the most recent collection data available for the state;

133.15 (ii) the estimated amount of architectural paint disposed of annually;

133.16 (iii) the weight of the architectural paint that is expected to be available for collection
133.17 annually; and

133.18 (iv) actual collection data from other existing stewardship programs.

133.19 The stewardship plan must state the methodology used to determine these goals; and

133.20 (12) a discussion of the status of end markets for collected architectural paint and what,
133.21 if any, additional end markets are needed to improve the functioning of the program.

133.22 Subd. 5a. Stewardship assessment. The producer or stewardship organization must
133.23 propose a uniform stewardship assessment for any architectural paint sold in the state that
133.24 covers but does not exceed the costs of developing the stewardship plan, operating and
133.25 administering the program in accordance with the stewardship plan and the requirements
133.26 of this section, and maintaining a financial reserve. A stewardship organization or producer
133.27 must not maintain a financial reserve in excess of 75 percent of the organization's annual
133.28 operating expenses. The producer or stewardship organization must retain an independent
133.29 auditor to review the proposed stewardship assessment to ensure that the assessment meets
133.30 the requirements of this section. The independent auditor must recommend an amount for
133.31 the stewardship assessment. If the financial reserve exceeds 75 percent of the producer or
133.32 stewardship organization's annual operating expenses, the producer or stewardship
133.33 organization must submit a proposed plan amendment according to subdivision 4, paragraph
134.1 (c), to comply with this subdivision. The commissioner must review and approve or reject
134.2 the stewardship assessment according to subdivision 7.

134.3 Subd. 6. **Consultation required.** Each stewardship organization or individual producer
134.4 submitting a stewardship plan or plan amendment must consult with stakeholders including
134.5 retailers, contractors, collectors, recyclers, local government, and customers during the
134.6 development of the plan or plan amendment.

134.7 Subd. 7. **Agency Commissioner review and approval.** (a) Within 90 days after receipt
134.8 ~~of receiving~~ a proposed stewardship plan, the ~~agency shall~~ commissioner must determine

103.14 ~~independent auditor shall recommend an amount for the stewardship assessment. The agency~~
103.15 ~~must approve the stewardship assessment established according to subdivision 5a;~~

103.16 (10) evidence of adequate insurance and financial assurance that may be required for
103.17 collection, handling, and disposal operations;

103.18 (11) five-year performance goals, including an estimate of the percentage of discarded
103.19 paint that will be collected, reused, and recycled during each of the first five years of the
103.20 stewardship plan. The performance goals must include a specific goal for the amount of
103.21 discarded paint that will be collected and recycled and reused during each year of the plan.
103.22 The performance goals must be based on:

103.23 (i) the most recent collection data available for the state;

103.24 (ii) the estimated amount of architectural paint disposed of annually;

103.25 (iii) the weight of the architectural paint that is expected to be available for collection
103.26 annually; and

103.27 (iv) actual collection data from other existing stewardship programs.

103.28 The stewardship plan must state the methodology used to determine these goals; and

103.29 (12) a discussion of the status of end markets for collected architectural paint and what,
103.30 if any, additional end markets are needed to improve the functioning of the program.

103.31 Subd. 5a. Stewardship assessment. The producer or stewardship organization must
103.32 propose a uniform stewardship assessment for any architectural paint sold in the state that
104.1 covers but does not exceed the costs of developing the stewardship plan, operating and
104.2 administering the program in accordance with the stewardship plan and the requirements
104.3 of this section, and maintaining a financial reserve. A stewardship organization or producer
104.4 must not maintain a financial reserve in excess of 75 percent of the organization's annual
104.5 operating expenses. The producer or stewardship organization must retain an independent
104.6 auditor to review the proposed stewardship assessment to ensure that the assessment meets
104.7 the requirements of this section. The independent auditor must recommend an amount for
104.8 the stewardship assessment. If the financial reserve exceeds 75 percent of the producer or
104.9 stewardship organization's annual operating expenses, the producer or stewardship
104.10 organization must submit a proposed plan amendment according to subdivision 4, paragraph
104.11 (c), to comply with this subdivision. The commissioner must review and approve or reject
104.12 the stewardship assessment according to subdivision 7.

104.13 Subd. 6. **Consultation required.** Each stewardship organization or individual producer
104.14 submitting a stewardship plan or plan amendment must consult with stakeholders including
104.15 retailers, contractors, collectors, recyclers, local government, and customers during the
104.16 development of the plan or plan amendment.

104.17 Subd. 7. **Agency Commissioner review and approval.** (a) Within 90 days after receipt
104.18 ~~of receiving~~ a proposed stewardship plan, the ~~agency shall~~ commissioner must determine

134.9 whether the plan complies with ~~subdivision 4~~ this section. If the agency commissioner
134.10 approves a plan, the ~~agency shall~~ commissioner must notify the applicant of the plan approval
134.11 in writing. If the agency commissioner rejects a plan, the ~~agency shall~~ commissioner must
134.12 notify the applicant in writing of the reasons for rejecting the plan.

134.13 (b) An applicant whose plan is rejected by the agency commissioner must submit a
134.14 revised stewardship plan to the agency commissioner within 60 days after receiving notice
134.15 of rejection. A stewardship organization may submit a revised stewardship plan to the
134.16 commissioner on not more than two consecutive occasions. If, after the second consecutive
134.17 submission, the commissioner determines that the revised stewardship plan still does not
134.18 meet the requirements of this section, the commissioner must modify the stewardship plan
134.19 as necessary to meet the requirements of this section and approve the stewardship plan.

134.20 ~~(b)~~ (c) Any proposed ~~changes~~ amendment to a stewardship plan must be reviewed and
134.21 approved or rejected by the agency commissioner in writing according to this subdivision.

134.22 Subd. 8. **Plan availability.** All ~~draft~~ proposed stewardship plans and amendments and
134.23 approved stewardship plans ~~shall~~ and amendments must be placed on the agency's website
134.24 for at least 30 days and made available at the agency's headquarters for public review and
134.25 comment.

134.26 Subd. 9. **Conduct authorized.** A producer or stewardship organization that organizes
134.27 collection, transport, and processing of architectural paint under this section is immune from
134.28 liability for the conduct under state laws relating to antitrust, restraint of trade, unfair trade
134.29 practices, and other regulation of trade or commerce only to the extent that the conduct is
134.30 necessary to plan and implement the producer's or organization's chosen organized collection
134.31 or recycling system.

134.32 Subd. 10. **Producer responsibilities.** (a) On and after the date of implementation of a
134.33 product stewardship program according to this section, a producer of architectural paint
135.1 must add the stewardship assessment, as established under subdivision ~~5, clause (9)~~ 5a, to
135.2 the cost of architectural paint sold to retailers and distributors in the state by the producer.

135.3 (b) Producers of architectural paint or the stewardship organization ~~shall~~ must provide
135.4 consumers with educational materials regarding the stewardship assessment and product
135.5 stewardship program. The materials must include, but are not limited to, information
135.6 regarding available end-of-life management options for architectural paint offered through
135.7 the product stewardship program and information that notifies consumers that a charge for
135.8 the operation of the product stewardship program is included in the purchase price of
135.9 architectural paint sold in the state.

135.10 Subd. 11. **Retailer responsibilities.** (a) ~~On and after July 1, 2014, or three months after~~
135.11 ~~program plan approval, whichever is sooner,~~ No architectural paint may be sold in the state
135.12 unless the paint's producer is participating in an approved stewardship plan.

135.13 (b) On and after the implementation date of a product stewardship program according
135.14 to this section, each retailer or distributor, as applicable, must ensure that the full amount

104.19 whether the plan complies with ~~subdivision 4~~ this section. If the agency commissioner
104.20 approves a plan, the ~~agency shall~~ commissioner must notify the applicant of the plan approval
104.21 in writing. If the agency commissioner rejects a plan, the ~~agency shall~~ commissioner must
104.22 notify the applicant in writing of the reasons for rejecting the plan.

104.23 (b) An applicant whose plan is rejected by the agency commissioner must submit a
104.24 revised stewardship plan to the agency commissioner within 60 days after receiving notice
104.25 of rejection. A stewardship organization may submit a revised stewardship plan to the
104.26 commissioner on not more than two consecutive occasions. If, after the second consecutive
104.27 submission, the commissioner determines that the revised stewardship plan still does not
104.28 meet the requirements of this section, the commissioner must modify the stewardship plan
104.29 as necessary to meet the requirements of this section and approve the stewardship plan.

104.30 ~~(b)~~ (c) Any proposed ~~changes~~ amendment to a stewardship plan must be reviewed and
104.31 approved or rejected by the agency commissioner in writing according to this subdivision.

104.32 Subd. 8. **Plan availability.** All ~~draft~~ proposed stewardship plans and amendments and
104.33 approved stewardship plans ~~shall~~ and amendments must be placed on the agency's website
105.1 for at least 30 days and made available at the agency's headquarters for public review and
105.2 comment.

105.3 Subd. 9. **Conduct authorized.** A producer or stewardship organization that organizes
105.4 collection, transport, and processing of architectural paint under this section is immune from
105.5 liability for the conduct under state laws relating to antitrust, restraint of trade, unfair trade
105.6 practices, and other regulation of trade or commerce only to the extent that the conduct is
105.7 necessary to plan and implement the producer's or organization's chosen organized collection
105.8 or recycling system.

105.9 Subd. 10. **Producer responsibilities.** (a) On and after the date of implementation of a
105.10 product stewardship program according to this section, a producer of architectural paint
105.11 must add the stewardship assessment, as established under subdivision ~~5, clause (9)~~ 5a, to
105.12 the cost of architectural paint sold to retailers and distributors in the state by the producer.

105.13 (b) Producers of architectural paint or the stewardship organization ~~shall~~ must provide
105.14 consumers with educational materials regarding the stewardship assessment and product
105.15 stewardship program. The materials must include, but are not limited to, information
105.16 regarding available end-of-life management options for architectural paint offered through
105.17 the product stewardship program and information that notifies consumers that a charge for
105.18 the operation of the product stewardship program is included in the purchase price of
105.19 architectural paint sold in the state.

105.20 Subd. 11. **Retailer responsibilities.** (a) ~~On and after July 1, 2014, or three months after~~
105.21 ~~program plan approval, whichever is sooner,~~ No architectural paint may be sold in the state
105.22 unless the paint's producer is participating in an approved stewardship plan.

105.23 (b) On and after the implementation date of a product stewardship program according
105.24 to this section, each retailer or distributor, as applicable, must ensure that the full amount

135.15 of the stewardship assessment added to the cost of architectural paint by producers under
135.16 subdivision 10 is included in the purchase price of all architectural paint sold in the state.

135.17 (c) Any retailer may participate, on a voluntary basis, as a designated collection point
135.18 pursuant to a product stewardship program under this section and in accordance with
135.19 applicable law.

135.20 (d) No retailer or distributor shall be found to be in violation of this subdivision if, on
135.21 the date the architectural paint was ordered from the producer or its agent, the producer was
135.22 listed as compliant on the agency's website according to subdivision 14.

135.23 Subd. 12. **Stewardship reports.** ~~Beginning October 1, 2015, By April 1 each year,~~
135.24 producers of architectural paint sold in the state must individually or through a stewardship
135.25 organization submit an annual report to the agency commissioner describing the product
135.26 stewardship program for the preceding calendar year. At a minimum, the report must contain:

135.27 (1) a description of the methods used to collect, transport, and process architectural paint
135.28 in all regions of the state;

135.29 (2) the weight of all architectural paint collected in all regions of the state and a
135.30 comparison to the performance goals and recycling rates established in the stewardship
135.31 plan;

135.32 (3) the amount of unwanted architectural paint collected in the state by method of
135.33 disposition, including reuse, recycling, and other methods of processing;

136.1 (4) samples of educational materials provided to consumers and an evaluation of the
136.2 effectiveness of the materials and the methods used to disseminate the materials; and

136.3 (5) an independent financial audit.

136.4 Subd. 13. **Data classification.** Trade secret and sales information, as defined under
136.5 section 13.37, submitted to the agency commissioner under this section are private or
136.6 nonpublic data under section 13.37.

136.7 Subd. 14. **Agency Commissioner responsibilities.** ~~The agency shall~~ commissioner must
136.8 provide, on ~~its~~ the agency's website, a list of all compliant producers and brands participating
136.9 in stewardship plans that the agency commissioner has approved and a list of all producers
136.10 and brands the agency commissioner has identified as noncompliant with this section.

136.11 Subd. 15. **Local government responsibilities.** (a) A city, county, or other public agency
136.12 may choose to participate voluntarily in a product stewardship program.

136.13 (b) Cities, counties, and other public agencies are encouraged to work with producers
136.14 and stewardship organizations to assist in meeting product stewardship program reuse and
136.15 recycling obligations, by providing education and outreach or using other strategies.

136.16 (c) A city, county, or other public agency that participates in a product stewardship
136.17 program must report for the first year of the program to the agency commissioner using the

105.25 of the stewardship assessment added to the cost of architectural paint by producers under
105.26 subdivision 10 is included in the purchase price of all architectural paint sold in the state.

105.27 (c) Any retailer may participate, on a voluntary basis, as a designated collection point
105.28 pursuant to a product stewardship program under this section and in accordance with
105.29 applicable law.

105.30 (d) No retailer or distributor shall be found to be in violation of this subdivision if, on
105.31 the date the architectural paint was ordered from the producer or its agent, the producer was
105.32 listed as compliant on the agency's website according to subdivision 14.

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106.2 producers of architectural paint sold in the state must individually or through a stewardship
106.3 organization submit an annual report to the agency commissioner describing the product
106.4 stewardship program for the preceding calendar year. At a minimum, the report must contain:

106.5 (1) a description of the methods used to collect, transport, and process architectural paint
106.6 in all regions of the state;

106.7 (2) the weight of all architectural paint collected in all regions of the state and a
106.8 comparison to the performance goals and recycling rates established in the stewardship
106.9 plan;

106.10 (3) the amount of unwanted architectural paint collected in the state by method of
106.11 disposition, including reuse, recycling, and other methods of processing;

106.12 (4) samples of educational materials provided to consumers and an evaluation of the
106.13 effectiveness of the materials and the methods used to disseminate the materials; and

106.14 (5) an independent financial audit.

106.15 Subd. 13. **Data classification.** Trade secret and sales information, as defined under
106.16 section 13.37, submitted to the agency commissioner under this section are private or
106.17 nonpublic data under section 13.37.

106.18 Subd. 14. **Agency Commissioner responsibilities.** ~~The agency shall~~ commissioner must
106.19 provide, on ~~its~~ the agency's website, a list of all compliant producers and brands participating
106.20 in stewardship plans that the agency commissioner has approved and a list of all producers
106.21 and brands the agency commissioner has identified as noncompliant with this section.

106.22 Subd. 15. **Local government responsibilities.** (a) A city, county, or other public agency
106.23 may choose to participate voluntarily in a product stewardship program.

106.24 (b) Cities, counties, and other public agencies are encouraged to work with producers
106.25 and stewardship organizations to assist in meeting product stewardship program reuse and
106.26 recycling obligations, by providing education and outreach or using other strategies.

106.27 (c) A city, county, or other public agency that participates in a product stewardship
106.28 program must report for the first year of the program to the agency commissioner using the

136.18 reporting form provided by the agency commissioner on the cost savings as a result of
136.19 participation and must describe how the savings were used.

136.20 Subd. 16. **Administrative fee.** (a) The stewardship organization or individual producer
136.21 submitting a stewardship plan ~~shall~~ must pay an annual administrative fee to the
136.22 commissioner. The agency commissioner may establish a variable fee based on relevant
136.23 factors, including; but not limited to; the portion of architectural paint sold in the state by
136.24 members of the organization compared to the total amount of architectural paint sold in the
136.25 state by all organizations submitting a stewardship plan.

136.26 (b) ~~Prior to July 1, 2014, and~~ Before July 1 ~~annually thereafter~~ each year, the agency
136.27 ~~shall~~ commissioner must identify the costs ~~it~~ the agency incurs under this section. The
136.28 ~~agency shall~~ commissioner must set the fee at an amount that, when paid by every
136.29 stewardship organization or individual producer that submits a stewardship plan, is adequate
136.30 to reimburse the agency's full costs of administering this section. The total amount of annual
136.31 fees collected under this subdivision must not exceed the amount necessary to reimburse
136.32 costs incurred by the agency to administer this section.

137.1 (c) A stewardship organization or individual producer subject to this subdivision must
137.2 pay the ~~agency's commissioner's~~ administrative fee under paragraph (a) on or before July
137.3 1, ~~2014, and annually thereafter~~ each year. Each year after the initial payment, the annual
137.4 administrative fee may not exceed five percent of the aggregate stewardship assessment
137.5 added to the cost of all architectural paint sold by producers in the state for the preceding
137.6 calendar year.

137.7 (d) All fees received under this section ~~shall~~ must be deposited in the state treasury and
137.8 credited to a product stewardship account in the special revenue fund. ~~For fiscal years 2014,~~
137.9 ~~2015, 2016, and 2017,~~ The amount collected under this section is annually appropriated to
137.10 the agency commissioner to implement and enforce this section.

137.11 Subd. 17. **Duty to provide information.** Upon request of the commissioner for purposes
137.12 of determining compliance with this section, a person must furnish to the commissioner
137.13 any information that the person has or may reasonably obtain.

106.29 reporting form provided by the agency commissioner on the cost savings as a result of
106.30 participation and must describe how the savings were used.

106.31 Subd. 16. **Administrative fee.** (a) The stewardship organization or individual producer
106.32 submitting a stewardship plan ~~shall~~ must pay an annual administrative fee to the
107.1 commissioner. The agency commissioner may establish a variable fee based on relevant
107.2 factors, including; but not limited to; the portion of architectural paint sold in the state by
107.3 members of the organization compared to the total amount of architectural paint sold in the
107.4 state by all organizations submitting a stewardship plan.

107.5 (b) ~~Prior to July 1, 2014, and~~ Before July 1 ~~annually thereafter~~ each year, the agency
107.6 ~~shall~~ commissioner must identify the costs ~~it~~ the agency incurs under this section. The
107.7 ~~agency shall~~ commissioner must set the fee at an amount that, when paid by every
107.8 stewardship organization or individual producer that submits a stewardship plan, is adequate
107.9 to reimburse the agency's full costs of administering this section. The total amount of annual
107.10 fees collected under this subdivision must not exceed the amount necessary to reimburse
107.11 costs incurred by the agency to administer this section.

107.12 (c) A stewardship organization or individual producer subject to this subdivision must
107.13 pay the ~~agency's commissioner's~~ administrative fee under paragraph (a) on or before July
107.14 1, ~~2014, and annually thereafter~~ each year. Each year after the initial payment, the annual
107.15 administrative fee may not exceed five percent of the aggregate stewardship assessment
107.16 added to the cost of all architectural paint sold by producers in the state for the preceding
107.17 calendar year.

107.18 (d) All fees received under this section ~~shall~~ must be deposited in the state treasury and
107.19 credited to a product stewardship account in the special revenue fund. ~~For fiscal years 2014,~~
107.20 ~~2015, 2016, and 2017,~~ The amount collected under this section is annually appropriated to
107.21 the agency commissioner to implement and enforce this section.

107.22 Subd. 17. **Duty to provide information.** Upon request of the commissioner for purposes
107.23 of determining compliance with this section, a person must furnish to the commissioner
107.24 any information that the person has or may reasonably obtain.

107.25 Sec. 53. Minnesota Statutes 2022, section 115A.49, is amended to read:

107.26 **115A.49 SOLID WASTE MANAGEMENT PROJECTS CAPITAL ASSISTANCE**
107.27 **PROGRAM.**

107.28 (a) There is established a program to encourage and assist cities, counties, solid waste
107.29 management districts, and sanitary districts in the development and implementation of solid
107.30 waste management projects and to transfer the knowledge and experience gained from such
107.31 projects to other communities in the state.

107.32 (b) The program must be administered to encourage local communities to develop
107.33 feasible and prudent alternatives to disposal, including:

108.1 (1) waste reduction;

- 108.2 (2) reuse;
- 108.3 (3) recycling;
- 108.4 (4) composting source-separated compostable materials or yard waste;
- 108.5 (5) resource recovery;
- 108.6 (6) waste separation by generators, collectors, and other persons; and
- 108.7 (7) waste processing.
- 108.8 (c) The commissioner shall administer the program in accordance with the requirements
- 108.9 of according to sections 115A.49 to 115A.54 and rules promulgated adopted under chapter
- 108.10 14. In administering the program, the commissioner shall give priority to projects in the
- 108.11 order of preference of the waste management practices listed in section 115A.02. The
- 108.12 commissioner shall give special consideration to areas where natural geologic and soil
- 108.13 conditions are especially unsuitable for land disposal of solid waste; areas where the capacity
- 108.14 of existing solid waste disposal facilities is determined by the commissioner to be less than
- 108.15 five years; and projects serving more than one local government unit.
- 108.16 Sec. 54. Minnesota Statutes 2022, section 115A.51, is amended to read:
- 108.17 **115A.51 APPLICATION REQUIREMENTS.**
- 108.18 (a) Applications for assistance under the program must demonstrate:
- 108.19 (1) that the project is conceptually and technically feasible;
- 108.20 (2) that affected political subdivisions are committed to implement the project, to provide
- 108.21 necessary local financing, and to accept and exercise the government powers necessary to
- 108.22 the project;
- 108.23 (3) that operating revenues from the project, considering the availability and security of
- 108.24 sources of solid waste and of markets for recovered resources or the availability of materials
- 108.25 for waste reduction or reuse, together with any proposed federal, state, or local financial
- 108.26 assistance, will be sufficient to pay all costs over the projected life of the project;
- 108.27 (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,
- 108.28 including using existing solid waste management facilities and facilities conducting waste
- 108.29 reduction or reuse with reasonably available capacity sufficient to accomplish the goals of
- 108.30 the proposed project, and has compared and evaluated the costs of the alternatives, including
- 108.31 capital and operating costs, and the effects of the alternatives on the cost to generators;
- 109.1 (5) that the applicant has identified:
- 109.2 (i) waste management objectives in applicable county and regional solid waste
- 109.3 management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f),
- 109.4 or 473.149, subdivision 1; and

109.5 (ii) other solid waste management facilities and facilities conducting waste reduction or
109.6 reuse identified in the county and regional plans; ~~and~~

109.7 (6) that the applicant has conducted a comparative analysis of the project against existing
109.8 public and private solid waste management facilities and facilities conducting waste reduction
109.9 or reuse, including an analysis of potential displacement of those facilities, to determine
109.10 whether the project is the most appropriate alternative to achieve the identified waste
109.11 management objectives that considers:

109.12 (i) conformity with approved county or regional solid waste management plans;

109.13 (ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision
109.14 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

109.15 (iii) environmental standards related to public health, air, surface water, and groundwater;

109.16 (7) that the applicant has evaluated the project's environmental impact on climate change,
109.17 including greenhouse gas emissions; and

109.18 (8) that the applicant has reviewed the project's impact on overburdened areas, conducted
109.19 stakeholder engagement, and assessed community input.

109.20 (b) The commissioner ~~may~~ must require completion of a comprehensive solid waste
109.21 management plan conforming to the requirements of section 115A.46, before accepting an
109.22 application. Within five days of filing an application with the agency, the applicant must
109.23 submit a copy of the application to each solid waste management facility, including each
109.24 facility used for waste reduction or reuse, mentioned in the portion of the application
109.25 addressing the requirements of paragraph (a), clauses (5) and (6).

109.26 Sec. 55. Minnesota Statutes 2022, section 115A.54, subdivision 1, is amended to read:

109.27 Subdivision 1. **Purposes; public interest; declaration of policy.** The legislature finds
109.28 ~~that the establishment of waste processing~~ acquiring, establishing, and improving facilities
109.29 ~~that conduct waste reduction, reuse, recycling, composting source-separated compostable~~
109.30 ~~materials or yard waste, resource recovery, and waste processing and transfer stations serving~~
109.31 such facilities is needed to reduce and manage properly the solid waste generated in the
109.32 state and to conserve and protect the natural resources in the state and the health, safety,
110.1 and welfare of its citizens; that opportunities to acquire, establish, and improve the facilities
110.2 and transfer stations are not being fully realized by individual political subdivisions or by
110.3 agreements among subdivisions; and that therefore it is necessary to provide capital assistance
110.4 to stimulate and encourage the acquisition, establishment, and ~~betterment~~ improvement of
110.5 the facilities and transfer stations.

110.6 Sec. 56. Minnesota Statutes 2022, section 115A.54, subdivision 2, is amended to read:

110.7 Subd. 2. **Administration; assurance of funds.** The commissioner shall provide technical
110.8 and financial assistance ~~for the acquisition and betterment of~~ to acquire, establish, and
110.9 ~~improve the facilities and transfer stations from revenues derived from the issuance of~~

110.10 ~~issuing bonds authorized by section 115A.58. Facilities for the incineration of~~ incinerating
110.11 ~~solid waste without resource recovery are not eligible for assistance. Money appropriated~~
110.12 ~~for the purposes of the demonstration program may be distributed as grants or loans. An~~
110.13 ~~individual project may receive assistance totaling up to 100 percent of the capital cost of~~
110.14 ~~the project and grants up to 50 75 percent of the capital cost of the project. No grant or loan~~
110.15 ~~shall be disbursed to any recipient until the commissioner has determined the total estimated~~
110.16 ~~capital cost of the project and ascertained that financing of the cost is assured by funds~~
110.17 ~~provided by the state, by an agency of the federal government within the amount of funds~~
110.18 ~~then appropriated to that agency and allocated by it to projects within the state, by any~~
110.19 ~~person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund~~
110.20 ~~for the construction of constructing the project.~~

110.21 Sec. 57. Minnesota Statutes 2022, section 115A.54, subdivision 2a, is amended to read:

110.22 Subd. 2a. **Solid waste management projects.** (a) The commissioner shall provide
110.23 technical and financial assistance ~~for the acquisition and betterment of~~ to acquire, establish,
110.24 and improve solid waste management projects as provided in this subdivision and section
110.25 115A.52. Money appropriated for the purposes of this subdivision must be distributed as
110.26 grants.

110.27 (b) Except as provided in paragraph (c), a project may receive grant assistance up to 25
110.28 percent of the capital cost of the project or ~~\$2,000,000~~ \$5,000,000, whichever is less, except
110.29 that projects constructed as a result of intercounty cooperative agreements may receive the
110.30 lesser of:

110.31 (1) grant assistance up to 25 percent of the capital cost of the project; or

110.32 (2) ~~\$2,000,000~~ \$5,000,000 times the number of participating counties, ~~whichever is less.~~

111.1 (c) A recycling project ~~or, a project to compost or cocompost~~ source-separated
111.2 compostable material or yard waste, or a project to manage household hazardous waste may
111.3 receive grant assistance up to 50 percent of the capital cost of the project or ~~\$2,000,000~~
111.4 \$5,000,000, whichever is less, except that projects completed as a result of intercounty
111.5 cooperative agreements may receive the lesser of:

111.6 (1) grant assistance up to 50 percent of the capital cost of the project; or

111.7 (2) ~~\$2,000,000~~ \$5,000,000 times the number of participating counties, ~~whichever is less.~~

111.8 (d) The following projects may also receive grant assistance in the amounts specified
111.9 in this paragraph (c):

111.10 (1) a project to improve control of or reduce air emissions at an existing resource recovery
111.11 facility; and

111.12 (2) a project to substantially increase the recovery of materials or energy, substantially
111.13 reduce the amount or toxicity of waste processing residuals, or expand the capacity of an
111.14 existing resource recovery facility to meet the resource recovery needs of an expanded

- 111.15 region if each county from which waste is or would be received has achieved a recycling
111.16 rate in excess of the goals in section 115A.551, and is implementing aggressive waste
111.17 reduction and household hazardous waste management programs.
- 111.18 (e) A waste reduction project or reuse project may receive grant assistance up to 75
111.19 percent of the capital cost of the project or \$5,000,000, whichever is less, except that projects
111.20 completed as a result of intercounty cooperative agreements may receive the lesser of:
- 111.21 (1) grant assistance up to 75 percent of the capital cost of the project; or
111.22 (2) \$5,000,000 times the number of participating counties.
- 111.23 ~~(d)~~ (f) Notwithstanding paragraph ~~(e)~~ (g), the commissioner may award grants for transfer
111.24 stations that will initially transfer waste to landfills if the transfer stations are part of a
111.25 planned resource recovery project, the county where the planned resource recovery facility
111.26 will be located has a comprehensive solid waste management plan approved by the
111.27 commissioner, and the solid waste management plan proposes the development of the
111.28 resource recovery facility. If the proposed resource recovery facility is not in place and
111.29 operating within 16 years of the date of the grant award, the recipient shall repay the grant
111.30 amount to the state.
- 111.31 ~~(e)~~ (g) Projects without waste reduction, reuse, recycling, composting source-separated
111.32 compostable material or yard waste, or resource recovery are not eligible for assistance.
111.33 Solid waste disposal facilities and equipment are not eligible for assistance.
- 112.1 ~~(f)~~ (h) In addition to any assistance received under paragraph (b) ~~or~~ (c), (d), or (e), a
112.2 project may receive grant assistance for the cost of tests necessary to determine the
112.3 appropriate pollution control equipment for the project or the environmental effects of the
112.4 use of any product or material produced by the project.
- 112.5 ~~(g)~~ (i) In addition to the application requirements of section 115A.51, an application for
112.6 a project serving eligible jurisdictions in only a single county must demonstrate that
112.7 cooperation with jurisdictions in other counties to develop the project is not needed or not
112.8 feasible. Each application must also demonstrate that the project is not financially prudent
112.9 without the state assistance, because of the applicant's financial capacity and the problems
112.10 inherent in the waste management situation in the area, particularly transportation distances
112.11 and limited waste supply and markets for resources recovered.
- 112.12 ~~(h)~~ (j) For the purposes of this subdivision, a "project" means acquisition, establishment,
112.13 or improvement of a ~~processing~~ facility; that conducts waste reduction, reuse, recycling,
112.14 composting source-separated compostable materials or yard waste, resource recovery, or
112.15 waste processing, together with any transfer stations, transmission facilities, and other related
112.16 and appurtenant facilities primarily serving the ~~processing~~ facility.
- 112.17 (k) The commissioner shall adopt rules for the program by July 1, 1985.
- 112.18 ~~(i)~~ (l) Notwithstanding anything in this subdivision to the contrary, a project to construct
112.19 a new ~~mixed municipal~~ solid waste transfer station that has an enforceable commitment of

137.14 Sec. 10. Minnesota Statutes 2022, section 115A.565, subdivision 1, is amended to read:

137.15 Subdivision 1. **Grant program established.** The commissioner must make competitive
137.16 grants to political subdivisions or federally recognized Tribes ~~to establish curbside recycling~~
137.17 ~~or composting, increase~~ for waste reduction, reuse, recycling ~~or, and composting, reduce~~
137.18 ~~the amount of recyclable materials entering disposal facilities, or reduce the costs associated~~
137.19 ~~with hauling waste by locating collection sites as close as possible to the site where the~~
137.20 ~~waste is generated~~ of source-separated compostable materials or yard waste. To be eligible
137.21 for grants under this section, a political subdivision or federally recognized Tribe must be
137.22 located outside the seven-county metropolitan area and a city must have a population of
137.23 less than 45,000.

137.24 Sec. 11. Minnesota Statutes 2022, section 115A.565, subdivision 3, is amended to read:

137.25 Subd. 3. **Priorities; eligible projects.** (a) If applications for grants exceed the available
137.26 appropriations, grants must be made for projects that, in the commissioner's judgment,
137.27 provide the highest return in public benefits.

137.28 (b) To be eligible to receive a grant, a project must:

137.29 (1) be locally administered;

137.30 (2) have an educational component and measurable outcomes;

137.31 (3) request \$250,000 or less;

138.1 (4) demonstrate local direct and indirect matching support of at least a quarter amount
138.2 of the grant request; ~~and~~

138.3 (5) include at least one of the following elements:

138.4 (i) ~~transition to residential recycling through curbside or centrally located collection~~
138.5 ~~sites;~~

138.6 (ii) ~~development of local recycling systems to support curbside recycling; or~~

138.7 (iii) ~~development or expansion of local recycling systems to support recycling bulk~~
138.8 ~~materials, including, but not limited to, electronic waste.~~

112.20 ~~at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an~~
112.21 ~~existing resource recovery facility may receive grant assistance up to 75 percent of the~~
112.22 ~~capital cost of the project if addition of the transfer station will increase substantially the~~
112.23 ~~geographical area served by the resource recovery facility and the ability of the resource~~
112.24 ~~recovery facility to operate more efficiently on a regional basis and the facility meets the~~
112.25 ~~criteria in paragraph (c) (d), the second clause (2). A transfer station eligible for assistance~~
112.26 ~~under this paragraph is not eligible for assistance under any other paragraph of this~~
112.27 ~~subdivision.~~

112.28 Sec. 58. Minnesota Statutes 2022, section 115A.565, subdivision 1, is amended to read:

112.29 Subdivision 1. **Grant program established.** The commissioner must make competitive
112.30 grants to political subdivisions or federally recognized Tribes ~~to establish curbside recycling~~
112.31 ~~or composting, increase~~ for waste reduction, reuse, recycling ~~or, and composting, reduce~~
112.32 ~~the amount of recyclable materials entering disposal facilities, or reduce the costs associated~~
112.33 ~~with hauling waste by locating collection sites as close as possible to the site where the~~
112.34 ~~waste is generated~~ of source-separated compostable materials or yard waste. To be eligible
113.1 for grants under this section, a political subdivision or federally recognized Tribe must be
113.2 located outside the seven-county metropolitan area and a city must have a population of
113.3 less than 45,000.

113.4 Sec. 59. Minnesota Statutes 2022, section 115A.565, subdivision 3, is amended to read:

113.5 Subd. 3. **Priorities; eligible projects.** (a) If applications for grants exceed the available
113.6 appropriations, grants must be made for projects that, in the commissioner's judgment,
113.7 provide the highest return in public benefits.

113.8 (b) To be eligible to receive a grant, a project must:

113.9 (1) be locally administered;

113.10 (2) have an educational component and measurable outcomes;

113.11 (3) request \$250,000 or less;

113.12 (4) demonstrate local direct and indirect matching support of at least a quarter amount
113.13 of the grant request; ~~and~~

113.14 (5) include at least one of the following elements:

113.15 (i) ~~transition to residential recycling through curbside or centrally located collection~~
113.16 ~~sites;~~

113.17 (ii) ~~development of local recycling systems to support curbside recycling; or~~

113.18 (iii) ~~development or expansion of local recycling systems to support recycling bulk~~
113.19 ~~materials, including, but not limited to, electronic waste.~~

138.9 (i) waste reduction;
138.10 (ii) reuse;
138.11 (iii) recycling; or
138.12 (iv) composting of source-separated compostable materials or yard waste; and
138.13 (6) demonstrate that the project will reduce waste generation through waste reduction
138.14 or reuse or that the project will increase the amount of recyclable materials or
138.15 source-separated compostable materials diverted from a disposal facility.
138.16 Sec. 12. **[115A.566] ZERO-WASTE GRANT PROGRAM.**
138.17 Subdivision 1. **Definitions.** (a) For purposes of this section the following terms have
138.18 the meanings given.
138.19 (b) "Compost" means a product that:
138.20 (1) is manufactured through the controlled aerobic, biological decomposition of
138.21 biodegradable materials; and
138.22 (2) has undergone mesophilic and thermophilic temperatures, which significantly reduces
138.23 the viability of pathogens and weed seeds and stabilizes the carbon such that it is beneficial
138.24 to plant growth.
138.25 (c) "Composting" means the controlled microbial degradation of organic waste to yield
138.26 a humus-like product.
138.27 (d) "Electronics" means any product that is powered by electricity but does not include
138.28 industrial machinery or lead-acid batteries.
138.29 (e) "Eligible entity" means:
138.30 (1) a small business, as defined in section 645.445;
139.1 (2) an organization that is exempt from taxes under section 501(c)(3) of the Internal
139.2 Revenue Code; or
139.3 (3) a Minnesota city, county, public school district, town, or Tribal government.
139.4 (f) "Embodied energy" means energy that was used to create a product or material.
139.5 (g) "Environmental justice area" means one or more census tracts in Minnesota:
139.6 (1) in which, based on the most recent data published by the United States Census Bureau;
139.7 (i) 40 percent or more of the area's total population is nonwhite;
139.8 (ii) 35 percent or more of households in the area have an income that is at or below 200
139.9 percent of the federal poverty level; or

113.20 (i) waste reduction;
113.21 (ii) reuse;
113.22 (iii) recycling; or
113.23 (iv) composting of source-separated compostable materials or yard waste; and
113.24 (6) demonstrate that the project will reduce waste generation through waste reduction
113.25 or reuse or that the project will increase the amount of recyclable materials or
113.26 source-separated compostable materials diverted from a disposal facility.

139.10 (iii) 40 percent or more of the population over the age of five has limited English
139.11 proficiency; or

139.12 (2) located in Indian Country, as defined in United States Code, title 18, section 1151.

139.13 (h) "Life-cycle impact" means the environmental impacts of products, processes, or
139.14 services from raw materials through production, usage, and disposal.

139.15 (i) "Living wage" means the minimum income necessary to allow a person working 40
139.16 hours per week to afford the cost of housing, food, and other material necessities.

139.17 (j) "Refurbished" means a product that was used, deemed defective, recycled, or returned
139.18 to the manufacturer or a third party, then tested and repaired by the manufacturer or a third
139.19 party before being sold again.

139.20 (k) "Responsible end market" means a materials market in which recycling materials or
139.21 disposing of contaminants is conducted in a way that benefits the environment and minimizes
139.22 risks to public health and worker health and safety.

139.23 (l) "Reuse" means the repair, repurposing, or multiple use of products and materials in
139.24 a way that extends the useful life of products and materials and decreases the demand for
139.25 new production. Reuse is not recycling and does not alter an object's physical form by
139.26 extracting base materials for processing into a new product.

139.27 (m) "Rural area" means an area outside the boundaries of a city whose population is
139.28 50,000 or more and outside an area contiguous to the city that has a population density
139.29 greater than 100 persons per square mile.

139.30 (n) "Zero waste" means conserving all resources by means of responsible production,
139.31 consumption, reuse, and recovery of products, packaging, and materials without burning
140.1 or otherwise destroying embodied energy, with no discharges to land, water, or air that
140.2 threaten the environment or human health.

140.3 Subd. 2. **Grant program.** The commissioner must establish a competitive grant program
140.4 to award grants to eligible entities to promote projects described in subdivisions 5 to 8 that
140.5 are consistent with zero-waste practices.

140.6 Subd. 3. **Grant application process.** (a) The commissioner must develop administrative
140.7 procedures governing the application and grant award process.

140.8 (b) The commissioner must award grants to eligible entities under this section through
140.9 a competitive grant process. In a request for proposals, the commissioner must:

140.10 (1) specify the maximum grant amount; and

140.11 (2) establish the minimum percentage of total project funds that an applicant must
140.12 contribute to the project. Recycling projects described in subdivisions 5, 7, and 8 must
140.13 demonstrate use of responsible end markets.

140.14 (c) The commissioner must develop, in consultation with the agency's Environmental
140.15 Justice Advisory Group, a streamlined and accessible application process.

140.16 (d) To apply for a grant under this section, an eligible entity must submit a written
140.17 application to the commissioner on a form prescribed by the commissioner.

140.18 (e) The application must include specific source reduction, recycling, or composting
140.19 targets or estimate reductions in life-cycle impacts to be achieved by the project.

140.20 (f) A project awarded a grant under this section must be completed within three years
140.21 of the award.

140.22 (g) A recycling project awarded a grant under this section must not include energy
140.23 recovery or energy generation by any means, including but not limited to combustion,
140.24 incineration, pyrolysis, gasification, solvolysis, thermal desorption, or waste to fuel, or
140.25 landfill disposal of discarded material or discarded product component materials, including
140.26 the use of materials as landfill cover.

140.27 Subd. 4. **Grant award process; priorities.** In awarding grants under this section, the
140.28 commissioner must:

140.29 (1) award at least 60 percent of available money to eligible entities whose projects are
140.30 located in environmental justice areas and at least 30 percent of available funds to eligible
140.31 entities whose projects are located in rural areas; and

140.32 (2) give priority to eligible entities whose projects:

141.1 (i) achieve source reduction;

141.2 (ii) develop reuse systems;

141.3 (iii) support existing or create new jobs that pay a living wage, with additional priority
141.4 given to projects that create jobs for individuals with barriers to employment, as determined
141.5 by the commissioner;

141.6 (iv) minimize any negative environmental consequences of the proposed project;

141.7 (v) demonstrate a need for additional investment in infrastructure and projects to achieve
141.8 source reduction, recycling, or composting targets set by the local unit of government
141.9 responsible for waste and recycling programs in the project area;

141.10 (vi) encourage further investment in source reduction, recycling, or composting projects;
141.11 or

141.12 (vii) incorporate multistakeholder involvement, including nonprofit, commercial, and
141.13 public sector partners.

141.14 Subd. 5. **Electronics grants.** (a) The commissioner may award grants under this
141.15 subdivision to source reduction and recycling projects that address electronics. Grants may

141.16 be used to fund recycling technology or infrastructure, research and development projects,
141.17 and electronics repair or refurbishment.

141.18 (b) No grant may be awarded under this subdivision:

141.19 (1) for an electronic waste buy-back program that pays consumers for used electronics
141.20 in the form of credits that may be used to purchase additional electronics; or

141.21 (2) to recyclers who are not certified by an organization accredited by the American
141.22 National Standards Institute National Accreditation Board as having achieved the e-Stewards
141.23 Standard for Responsible Recycling and Reuse of Electronic Equipment.

141.24 Subd. 6. **Source reduction and reuse grants.** The commissioner may award grants
141.25 under this subdivision to projects that promote source reduction or reuse. Grants may be
141.26 used:

141.27 (1) to redesign products in ways that reduce their life-cycle impacts while not increasing
141.28 the toxicity of those impacts, including reducing the amount of packaging; or

141.29 (2) for education and outreach activities that encourage consumers to change their product
141.30 purchasing, use, or disposal behaviors in ways that promote source reduction or reuse.

142.1 Subd. 7. **Market development grants.** (a) The commissioner may award grants under
142.2 this subdivision to projects that promote and strengthen markets for reuse, recycling, and
142.3 composting, including projects that increase demand for sorted recyclable commodities,
142.4 refurbished goods, or compost.

142.5 (b) Projects seeking grants under this subdivision must target materials that are
142.6 disproportionately disposed of in landfills or incinerated and must reduce the volume, weight,
142.7 or toxicity of waste and waste by-products.

142.8 (c) Projects seeking grants under this subdivision to expand recycling markets must
142.9 target easily or commonly recycled materials.

142.10 (d) Projects seeking grants under this subdivision must not conflict with other laws or
142.11 requirements identified by the commissioner.

142.12 Subd. 8. **Recycling and composting infrastructure grants.** (a) Grants awarded under
142.13 this subdivision may be used for facilities, machinery, equipment, and other physical
142.14 infrastructure or supplies required to collect or process materials for recycling and
142.15 composting.

142.16 (b) Grants awarded under this subdivision must result in increased capacity to process
142.17 residential and commercial source-separated organics, yard waste, and recyclable materials.
142.18 Grants awarded to increase the capacity of composting infrastructure must generate a usable
142.19 product that has demonstrable environmental benefits.

142.20 (c) No grant may be awarded under this subdivision to support composting material
142.21 derived from mixed municipal solid waste.

142.22 Subd. 9. **Reporting.** By January 15, 2025, and each January 15 through 2027, the
142.23 commissioner must submit a written report to the chairs and ranking minority members of
142.24 the legislative committees having jurisdiction over economic development and environment
142.25 that describes the use of grant money under this section. The report must include, at a
142.26 minimum:

142.27 (1) a list of grant recipients, grant amounts, and project descriptions; and
142.28 (2) a narrative of progress made toward grant project goals.

142.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

142.30 Sec. 13. **[115A.993] PROHIBITED DISPOSAL METHODS.**

142.31 A person must not dispose of waste treated seed in a manner inconsistent with the product
142.32 label, where applicable, or by:

143.1 (1) burial near a drinking water source or any creek, stream, river, lake, or other surface
143.2 water;

143.3 (2) composting; or
143.4 (3) incinerating within a home or other dwelling.

143.5 Sec. 14. Minnesota Statutes 2022, section 115B.17, subdivision 14, is amended to read:

143.6 Subd. 14. **Requests for review, investigation, and oversight.** (a) The commissioner
143.7 may, upon request, assist a person in determining whether real property has been the site
143.8 of a release or threatened release of a hazardous substance, pollutant, or contaminant. The
143.9 commissioner may also assist in, or supervise, the development and implementation of
143.10 reasonable and necessary response actions. Assistance may include review of agency records
143.11 and files, and review and approval of a requester's investigation plans and reports and
143.12 response action plans and implementation.

143.13 (b) Except as otherwise provided in this paragraph, the person requesting assistance
143.14 under this subdivision shall pay the agency for the agency's cost, as determined by the
143.15 commissioner, of providing assistance. A state agency, political subdivision, or other public
143.16 entity is not required to pay for the agency's cost to review agency records and files. ~~Money~~
143.17 ~~received by the agency for assistance under this section~~ The first \$350,000 received annually
143.18 by the agency for assistance under this subdivision from persons who are not otherwise
143.19 responsible under sections 115B.01 to 115B.18 must be deposited in the remediation fund
143.20 and is exempt from section 16A.1285. Money received after the first \$350,000 must be
143.21 deposited in the state treasury and credited to an account in the special revenue fund. Money

143.22 in the account is annually appropriated to the commissioner for the purposes of administering
143.23 this subdivision.

143.24 (c) When a person investigates a release or threatened release in accordance with an
143.25 investigation plan approved by the commissioner under this subdivision, the investigation
143.26 does not associate that person with the release or threatened release for the purpose of section
143.27 115B.03, subdivision 3, paragraph (a), clause (4).

143.28 Sec. 15. Minnesota Statutes 2022, section 115B.171, subdivision 3, is amended to read:

143.29 Subd. 3. **Test reporting.** (a) By ~~January~~ March 15 each year, the commissioner of the
143.30 Pollution Control Agency must report to each community in the east metropolitan area a
143.31 summary of the results of the testing for private wells in the community. The report must
143.32 include information on the number of wells tested and trends of PFC contamination in
144.1 private wells in the community. Reports to communities under this section must also be
144.2 published on the Pollution Control Agency's website.

144.3 (b) By ~~January~~ March 15 each year, the commissioner of the Pollution Control Agency
144.4 must report to the legislature, as provided in section 3.195, on the testing for private wells
144.5 conducted in the east metropolitan area, including copies of the community reports required
144.6 in paragraph (a), the number of requests for well testing in each community, and the total
144.7 amount spent for testing private wells in each community.

144.8 Sec. 16. Minnesota Statutes 2022, section 115B.52, subdivision 4, is amended to read:

144.9 Subd. 4. **Reporting.** The commissioner of the Pollution Control Agency and the
144.10 commissioner of natural resources must jointly submit:

144.11 (1) by April 1, 2019, an implementation plan detailing how the commissioners will:

144.12 (i) determine how the priorities in the settlement will be met and how the spending will
144.13 move from the first priority to the second priority and the second priority to the third priority
144.14 outlined in the settlement; and

144.15 (ii) evaluate and determine what projects receive funding;

144.16 (2) by ~~February 1 and August 1~~ October 1 each year, a ~~biannual~~ report to the chairs and
144.17 ranking minority members of the legislative policy and finance committees with jurisdiction
144.18 over environment and natural resources on expenditures from the water quality and
144.19 sustainability account during the previous ~~six months~~ fiscal year; and

144.20 (3) by ~~August~~ October 1, 2019 2023, and each year thereafter, a report to the legislature
144.21 on expenditures from the water quality and sustainability account during the previous fiscal
144.22 year and a spending plan for anticipated expenditures from the account during the current
144.23 fiscal year.

144.24 Sec. 17. Minnesota Statutes 2022, section 116.06, subdivision 1, is amended to read:

144.25 Subdivision 1. **Applicability.** The definitions given in this section shall obtain for the
144.26 purposes of sections 116.01 to ~~116.075~~ 116.076 except as otherwise expressly provided or
144.27 indicated by the context.

144.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

145.1 Sec. 18. Minnesota Statutes 2022, section 116.06, is amended by adding a subdivision to
145.2 read:

145.3 Subd. 6a. **Commissioner.** "Commissioner" means the commissioner of the Pollution
145.4 Control Agency.

145.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

145.6 Sec. 19. Minnesota Statutes 2022, section 116.06, is amended by adding a subdivision to
145.7 read:

145.8 Subd. 10a. **Environmental justice.** "Environmental justice" means that:

145.9 (1) communities of color, Indigenous communities, and low-income communities have
145.10 a healthy environment and are treated fairly when environmental statutes, rules, and policies
145.11 are developed, adopted, implemented, and enforced; and

145.12 (2) in all decisions that have the potential to affect the environment of an environmental
145.13 justice area or the public health of its residents, due consideration is given to the history of
145.14 the area's and its residents' cumulative exposure to pollutants and to any current
145.15 socioeconomic conditions that increase the physical sensitivity of those residents to additional
145.16 exposure to pollutants.

145.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

145.18 Sec. 20. Minnesota Statutes 2022, section 116.06, is amended by adding a subdivision to
145.19 read:

145.20 Subd. 10b. **Environmental justice area.** "Environmental justice area" means one or
145.21 more census tracts in Minnesota:

145.22 (1) in which, based on the most recent data published by the United States Census Bureau:

145.23 (i) 40 percent or more of the population is nonwhite;

145.24 (ii) 35 percent or more of the households have an income at or below 200 percent of the
145.25 federal poverty level; or

145.26 (iii) 40 percent or more of the population over the age of five has limited English
145.27 proficiency; or

145.28 (2) located within Indian Country, as defined in United States Code, title 18, section
145.29 1151.

145.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

146.1 Sec. 21. **[116.062] AIR TOXICS EMISSIONS REPORTING.**

146.2 (a) This section applies to facilities that are subject to paragraph (b) and are located in
146.3 the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

146.4 (b) The commissioner must require owners and operators of a facility issued an air
146.5 quality permit by the agency, except a facility issued an Option B registration permit under
146.6 Minnesota Rules, part 7007.1120, to annually report the facility's air toxics emissions to
146.7 the agency, including a facility not required as a condition of its air quality permit to keep
146.8 records of air toxics emissions. The commissioner must determine the method to be used
146.9 by a facility to directly measure or estimate air toxics emissions. The commissioner must
146.10 amend permits and complete rulemaking, and may enter into enforceable agreements with
146.11 facility owners and operators, in order to make the reporting requirements under this section
146.12 enforceable.

146.13 (c) For the purposes of this section, "air toxics" means chemical compounds or compound
146.14 classes that are emitted into the air by a permitted facility and that are:

146.15 (1) hazardous air pollutants listed under the federal Clean Air Act, United States Code,
146.16 title 42, section 7412, as amended;

146.17 (2) chemicals reported as released into the atmosphere by a facility located in the state
146.18 for the Toxic Release Inventory under the federal Emergency Planning and Community
146.19 Right-to-Know Act, United States Code, title 42, section 11023, as amended;

146.20 (3) chemicals for which the Department of Health has developed health-based values
146.21 or risk assessment advice;

146.22 (4) chemicals for which the risk to human health has been assessed by either the federal
146.23 Environmental Protection Agency's Integrated Risk Information System or its Provisional
146.24 Peer-Reviewed Toxicity Values; or

146.25 (5) chemicals reported by facilities in the agency's most recent triennial emissions
146.26 inventory.

146.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

146.28 Sec. 22. **[116.064] ODOR MANAGEMENT.**

146.29 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
146.30 the meanings given.

147.1 (b) "Objectionable odor" means pollution of the ambient air beyond the property line of
147.2 a facility consisting of an odor that, considering its characteristics, intensity, frequency, and
147.3 duration:

147.4 (1) is, or can reasonably be expected to be, injurious to public health or welfare; or

147.5 (2) unreasonably interferes with the enjoyment of life or the use of property of persons
147.6 exposed to the odor.

147.7 (c) "Odor complaint" means a notification received and recorded by the agency or by a
147.8 political subdivision from an identifiable person that describes the nature, duration, and
147.9 location of the odor.

147.10 Subd. 2. **Application.** This section applies to facilities that are located in the counties
147.11 of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

147.12 Subd. 3. **Prohibition.** No person may cause or allow emission into the ambient air of
147.13 any substance or combination of substances in quantities that produce an objectionable odor
147.14 beyond the property line of the facility that is the source of the odor.

147.15 Subd. 4. **Odor complaints; investigation.** (a) The agency must conduct a site
147.16 investigation of any facility against which six or more verifiable odor complaints have been
147.17 submitted to the agency or to local government officials within 48 hours. The investigation
147.18 must include:

147.19 (1) an interview with the owner or operator of the facility against which the complaint
147.20 was made;

147.21 (2) a physical examination of the facilities, equipment, operations, conditions, methods,
147.22 storage areas for material inputs, chemicals and waste, and any other factors that may
147.23 contribute to or are designed to mitigate the emission of odors; and

147.24 (3) testing at locations identified in the odor complaints and at other locations beyond
147.25 the property line of the facility that is the source of the odor using a precision instrument
147.26 capable of measuring odors in ambient air.

147.27 (b) The commissioner, based upon the agency's site investigation and the results of odor
147.28 testing and considering the nature, intensity, frequency, and duration of the odor and other
147.29 relevant factors, shall determine whether the odor emitted from the facility constitutes an
147.30 objectionable odor. In making the determination, the commissioner may consider the opinions
147.31 of a random sample of persons exposed to samples of the odor taken from ambient air
147.32 beyond the property line of the facility that is the source of the odor.

148.1 (c) The agency must notify officials in local jurisdictions:

148.2 (1) of odor complaints filed with the agency regarding properties within the local
148.3 jurisdiction;

148.4 (2) of any investigation of an odor complaint conducted by the agency at a facility within
148.5 the local jurisdiction and the results of the investigation;

148.6 (3) that odor complaints filed with respect to properties located within those jurisdictions
148.7 must be forwarded to the agency within three business days of being filed; and

148.8 (4) of any additional actions taken by the agency with respect to the complaints.

148.9 Subd. 5. **Objectionable odor; management plan.** (a) If the commissioner determines
148.10 under subdivision 4 that the odor emitted from a facility is an objectionable odor, the
148.11 commissioner shall require the owner of the facility to develop and submit to the agency
148.12 for review within 90 days an odor management plan designed to mitigate odor emissions.
148.13 The agency must provide technical assistance to the property owner in developing a
148.14 management plan, including:

148.15 (1) identifying odor control technology and equipment that may reduce odor emissions;
148.16 and

148.17 (2) identifying alternative methods of operation or alternative materials that may reduce
148.18 odor emissions.

148.19 The commissioner may grant an extension for submission of the odor management plan for
148.20 up to an additional 90 days for good cause.

148.21 (b) An odor management plan must contain, at a minimum, for each odor source
148.22 contributing to odor emissions:

148.23 (1) a description of plant operations and materials that generate odors;

148.24 (2) proposed changes in equipment, operations, or materials that are designed to mitigate
148.25 odor emissions;

148.26 (3) the estimated effectiveness of the plan in reducing odor emissions;

148.27 (4) the estimated cost of implementing the plan; and

148.28 (5) a schedule of plan implementation activities.

148.29 (c) The commissioner may accept, reject, or modify an odor management plan submitted
148.30 under this subdivision.

149.1 (d) If the commissioner, based upon the same factors considered under subdivision 4,
149.2 paragraph (b), determines that implementation of the odor management plan has failed to
149.3 reduce the facility's odor emissions to a level where they are no longer objectionable odors,
149.4 the commissioner shall order the facility owner to revise the odor management plan within
149.5 90 days of receipt of the commissioner's order. If the revised odor management plan is not
149.6 acceptable to the commissioner or is implemented but fails to reduce the property's odor
149.7 emissions to a level where they are no longer objectionable odors, the commissioner may

149.8 impose penalties under section 115.071 or may modify or revoke the facility's permit under
149.9 section 116.07, subdivision 4a, paragraph (d).

149.10 Subd. 6. **Exemptions.** This section does not apply to:

149.11 (1) on-farm animal and agricultural operations;

149.12 (2) motor vehicles and transportation facilities;

149.13 (3) municipal wastewater treatment plants;

149.14 (4) single-family dwellings not used for commercial purposes;

149.15 (5) materials odorized for safety purposes;

149.16 (6) painting and coating operations that are not required to be licensed;

149.17 (7) restaurants; and

149.18 (8) temporary activities and operations.

149.19 Subd. 7. **Rulemaking required.** (a) The commissioner must adopt rules to implement
149.20 this section, and section 14.125 does not apply.

149.21 (b) The commissioner must comply with chapter 14 and must complete the statement
149.22 of need and reasonableness according to chapter 14 and section 116.07, subdivision 2,
149.23 paragraph (f).

149.24 (c) The rules must include:

149.25 (1) an odor standard or standards for air pollution that may qualify as an objectionable
149.26 odor under subdivision 1, paragraph (b), clause (2);

149.27 (2) a process for determining if an odor is objectionable;

149.28 (3) a process for investigating and addressing odor complaints;

149.29 (4) guidance for developing odor-management plans; and

150.1 (5) procedures and criteria for determining the success or failure of an odor-management
150.2 plan.

150.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

150.4 Sec. 23. **[116.065] CUMULATIVE IMPACTS ANALYSIS; PERMIT DECISIONS**
150.5 **IN ENVIRONMENTAL JUSTICE AREAS.**

150.6 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
150.7 the meanings given.

150.8 (b) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

114.1 Sec. 60. **[116.065] CUMULATIVE IMPACTS ANALYSIS; PERMIT DECISIONS**
114.2 **IN ENVIRONMENTAL JUSTICE AREAS.**

114.3 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
114.4 the meanings given.

114.5 (b) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

150.9 (c) "Compelling public interest" means a factor or condition that is necessary to serve
150.10 an essential environmental, health, or safety need of residents of an environmental justice
150.11 area and that cannot reasonably be met by alternative available means.

150.12 (d) "Cumulative impacts" means the impacts of aggregated levels of past and current
150.13 air, water, and land pollution in a defined geographic area to which current residents are
150.14 exposed.

150.15 (e) "Environmental justice" means:

150.16 (1) communities of color, Indigenous communities, and low-income communities have
150.17 a healthy environment and are treated fairly when environmental statutes, rules, and policies
150.18 are developed, adopted, implemented, and enforced; and

150.19 (2) in all decisions that have the potential to affect the environment of an environmental
150.20 justice area or the public health of its residents, due consideration is given to the history of
150.21 the area's and its residents' cumulative exposure to pollutants and to any current
150.22 socioeconomic conditions that could increase harm to those residents from additional
150.23 exposure to pollutants.

150.24 (f) "Environmental justice area" means one or more census tracts in Minnesota:

150.25 (1) in which, based on the most recent data published by the United States Census Bureau:

150.26 (i) 40 percent or more of the population is nonwhite;

150.27 (ii) 35 percent or more of the households have an income at or below 200 percent of the
150.28 federal poverty level; or

150.29 (iii) 40 percent or more of the population over the age of five has limited English
150.30 proficiency; or

151.1 (2) located within Indian Country, as defined in United States Code, title 18, section
151.2 1151.

151.3 (g) "Environmental stressors" means factors that may make residents of an environmental
151.4 justice area susceptible to harm from exposure to pollutants. Environmental stressors include:

151.5 (1) environmental effects on health from exposure to past and current pollutants in the
151.6 environmental justice area, including any biomonitoring information from residents; and

151.7 (2) social and environmental factors, including but not limited to poverty, substandard
151.8 housing, food insecurity, elevated rates of disease, and poor access to health insurance and
151.9 medical care.

114.6 (c) "Cumulative impacts" means the impacts of aggregated levels of past and current
114.7 air, water, and land pollution in a defined geographic area to which current residents are
114.8 exposed.

114.9 (d) "Environmental justice" means:

114.10 (1) communities of color, Indigenous communities, and low-income communities have
114.11 a healthy environment and are treated fairly when environmental statutes, rules, and policies
114.12 are developed, adopted, implemented, and enforced; and

114.13 (2) in all decisions that have the potential to affect the environment of an environmental
114.14 justice area or the public health of its residents, due consideration is given to the history of
114.15 the area's and its residents' cumulative exposure to pollutants and to any current
114.16 socioeconomic conditions that increase the physical sensitivity of those residents to additional
114.17 exposure to pollutants.

114.18 (e) "Environmental justice area" means one or more census tracts in Minnesota:

114.19 (1) in which, based on the most recent data published by the United States Census Bureau:

114.20 (i) 40 percent or more of the population is nonwhite;

114.21 (ii) 35 percent or more of the households have an income at or below 200 percent of the
114.22 federal poverty level; or

114.23 (iii) 40 percent or more of the population over the age of five has limited English
114.24 proficiency; or

114.25 (2) located within Indian Country, as defined in United States Code, title 18, section
114.26 1151.

114.27 (f) "Environmental stressors" mean factors that may make residents of an environmental
114.28 justice area particularly sensitive to exposure to pollutants. Environmental stressors include
114.29 social and environmental factors, including but not limited to poverty, substandard housing,
114.30 food insecurity, elevated rates of disease, and poor access to health insurance and medical
114.31 care.

151.10 Subd. 2. **Applicability.** This section applies to applications for the following types of
151.11 new construction permits, permits required for facility expansions, and reissuances of
151.12 existing permits for facilities: (1) located in the counties of Anoka, Carver, Dakota, Hennepin,
151.13 Ramsey, Scott, or Washington; or (2) located in the cities of Duluth, Mankato, Moorhead,
151.14 North Mankato, Rochester, or St. Cloud; and (3) for which the commissioner has determined
151.15 under subdivision 3 that issuance of the permit as proposed may impact the environment
151.16 or the health of residents in an environmental justice area:

151.17 (i) a major source air permit, as defined in Minnesota Rules, part 7007.0200; and
151.18 (ii) a state air permit required under Minnesota Rules, part 7007.0250, subparts 2 to 6.

151.19 Subd. 3. **Cumulative impacts analysis; determination of need.** (a) The commissioner
151.20 is responsible for determining whether a proposed permit action may impact the environment
151.21 or health of the residents of an environmental justice area.

151.22 (b) A permit application must indicate whether the permit action sought is likely to
151.23 impact the environment or the health of residents of an environmental justice area and must
151.24 include the data used by the applicant to make the determination.

151.25 (c) In making a determination whether a cumulative analysis is required, the commissioner
151.26 must:

151.27 (1) review the permit application and the applicant's assessment of the need to conduct
151.28 a cumulative analysis;

151.29 (2) assess whether the proposed permit exceeds any of the benchmarks for conducting
151.30 a cumulative impact analysis established in rules adopted under subdivision 6;

151.31 (3) review any comments and material evidence submitted by members of the public
151.32 regarding the necessity for a cumulative impact analysis; and

152.1 (4) review any other information the commissioner deems relevant.

152.2 (d) An applicant must conduct a cumulative impacts analysis if:

152.3 (1) the potential impacts of the permit issuance exceed any of the benchmarks for
152.4 conducting a cumulative impacts analysis established in rules adopted under subdivision 6;

152.5 (2) the commissioner determines that issuance of the permit may impact the environment
152.6 or health of the residents of an environmental justice area; or

152.7 (3) material evidence accompanying a petition signed by at least 50 individuals residing
152.8 or owning property in the environmental justice area potentially affected by the permit

115.1 Subd. 2. **Cumulative impacts analysis; when required.** (a) Except as provided in
115.2 paragraph (b), this subdivision applies to the following permit applications for the
115.3 construction of a new facility or the expansion of an existing facility within the seven-county
115.4 metropolitan area or within Indian Country, as defined in United States Code, title 18,
115.5 section 1151:

115.6 (1) a major source air permit, as defined in Minnesota Rules, part 7007.0200, subpart
115.7 2;

115.8 (2) a state air permit required under Minnesota Rules, part 7007.0250, subpart 6;

115.9 (3) an individual permit for a solid waste disposal facility proposing to receive or increase
115.10 capacity by 100,000 cubic yards or more of waste annually; and

115.11 (4) a permit required for the treatment, storage, or disposal of hazardous waste.

115.12 (b) This section does not apply to the construction of a new facility or the expansion of
115.13 an existing facility by a person acting under a permit to mine iron, taconite, or nonferrous
115.14 metallic minerals, or to a permit application for the construction of a new facility or the
115.15 expansion of an existing facility in the Taconite Assistance Area, as defined in section
115.16 273.1341.

115.17 (c) The owner or operator of a facility subject to paragraph (a), clause (1), must conduct
115.18 a cumulative impacts analysis if the facility is located in or, as determined by the
115.19 commissioner, may affect the environment or health of residents in an environmental justice
115.20 area and:

115.21 (1) the proposed facility or expansion exceeds the benchmarks established in rules
115.22 adopted under subdivision 5 for requiring a cumulative impacts analysis; or

115.23 (2) a petition signed by at least 100 persons residing or owning property in the affected
115.24 environmental justice area is submitted to the commissioner and supported by material
115.25 evidence demonstrating, to the satisfaction of the commissioner, that a potential adverse
115.26 cumulative impact on the environment or health of the residents of the environmental justice
115.27 area may result if the permit is issued.

115.28 In making this determination, the commissioner may consider material evidence submitted
115.29 by the owner or operator of the facility seeking the permit that issuance of the permit will
115.30 not result in a potential adverse cumulative impact in the environmental justice area.

115.31 (d) The commissioner may require an owner or operator of a facility described in
115.32 paragraph (a), clauses (1) to (4), that is seeking reissuance of a permit to conduct a cumulative
115.33 impacts analysis if the commissioner has material evidence that demonstrates that a potential

152.9 issuance demonstrates that issuance of the permit may impact the environment or health of
152.10 the residents of the environmental justice area.

152.11 Subd. 4. **Public meeting requirements.** (a) A permit applicant or permit holder required
152.12 to conduct a cumulative impacts analysis under subdivision 2 must hold at least two public
152.13 meetings in the environmental justice area impacted by the facility before the commissioner
152.14 issues or denies a permit. The first public meeting must be held before conducting a
152.15 cumulative impacts analysis, and the second must be held after conducting the analysis.

152.16 (b) The permit applicant or permit holder must:

152.17 (1) publish notice containing the date, time, and location of the public meetings and a
152.18 brief description of the permit or project in a newspaper of general circulation in the
152.19 environmental justice area at least 30 days before the meetings;

152.20 (2) post physical signage in the environmental justice area impacted, as directed by the
152.21 commissioner; and

152.22 (3) provide the commissioner with notice of the public meeting and a copy of the
152.23 cumulative impacts analysis at least 45 days before the second public meeting.

152.24 (c) The commissioner must post the notice and cumulative impacts analysis on the
152.25 agency website at least 30 days before the second public meeting.

152.26 (d) The permit applicant or permit holder must:

152.27 (1) provide an opportunity for robust public and Tribal engagement at the public meetings;

152.28 (2) accept written and oral comments, as directed by the commissioner, from any
152.29 interested party; and

152.30 (3) provide an electronic copy of all written comments and a transcript of all oral
152.31 comments to the agency within 30 days of the public meetings.

116.1 adverse cumulative impact on the environment or health of the residents of the environmental
116.2 justice area may result if the permit is issued and:

116.3 (1) the facility is located within one mile of the boundary of an environmental justice
116.4 area within the seven-county metropolitan area;

116.5 (2) the facility is located within one mile of Indian Country, as defined in United States
116.6 Code, title 18, section 1151; or

116.7 (3) the proposed facility does not exceed the benchmarks established in rules adopted
116.8 under subdivision 5 for requiring a cumulative impacts analysis.

116.9 In making this determination, the commissioner may consider material evidence submitted
116.10 by the owner or operator of the facility seeking the permit that reissuance of the permit will
116.11 not result in a potential adverse cumulative effect in the environmental justice area.

116.12 Subd. 3. **Cumulative impacts analysis; public meeting requirements.** (a) Any owner
116.13 or operator required to conduct a cumulative impacts analysis under subdivision 2 must
116.14 hold at least two public meetings in the affected environmental justice area before the
116.15 commissioner issues or denies a permit. The first public meeting must be held before
116.16 conducting a cumulative impacts analysis, and the second must be held after conducting
116.17 the analysis.

116.18 (b) The owner or operator must:

116.19 (1) publish notice containing the date, time, and location of the public meetings and a
116.20 brief description of the permit or project in a newspaper of general circulation in the
116.21 environmental justice area at least 30 days before the meetings;

116.22 (2) post physical signage in the environmental justice area impacted, as directed by the
116.23 commissioner; and

116.24 (3) provide the commissioner with notice of the public meeting and a copy of the
116.25 cumulative impacts analysis at least 45 days before the second public meeting.

116.26 (c) The commissioner must post the notice and cumulative impacts analysis on the
116.27 agency website at least 30 days before the second public meeting.

116.28 (d) The permit applicant or permit holder must:

116.29 (1) provide an opportunity for robust public and Tribal engagement at the public meetings;

116.30 (2) accept written and oral comments, as directed by the commissioner, from any
116.31 interested party; and

117.1 (3) provide an electronic copy of all written comments and a transcript of oral comments
117.2 to the agency within 30 days of the public meetings.

153.1 (e) If the permit applicant or permit holder is applying for more than one permit that
153.2 may affect the same environmental justice area, the permit applicant or permit holder may
153.3 request that the commissioner require that the facility hold two public meetings that address
153.4 all of the permits sought. The commissioner may approve or deny the request.

153.5 (f) The commissioner may incorporate conditions in a permit for a facility located in or
153.6 affecting an environmental justice area to hold multiple in-person meetings with residents
153.7 of the environmental justice area affected by the facility to share information and discuss
153.8 community concerns.

153.9 Subd. 5. **Environmental justice area; permit decisions.** (a) In determining whether to
153.10 issue or deny a permit, the commissioner must consider the cumulative impacts analysis
153.11 conducted, the testimony presented, and comments submitted in public meetings held under
153.12 subdivision 4. The permit may be issued no earlier than 30 days following the last public
153.13 meeting.

153.14 (b) The commissioner must deny an application for a permit subject to this section for
153.15 a facility in an environmental justice area if the cumulative impacts analysis determines that
153.16 issuing the permit, in combination with the environmental stressors present in the
153.17 environmental justice area, would contribute to adverse cumulative environmental stressors
153.18 or adverse cumulative impacts in the environmental justice area, unless:

153.19 (1) the commissioner enters into a community benefit agreement with the facility owner
153.20 or operator, in consultation with community-based organizations representing the interests
153.21 of residents of the environmental justice area; and

153.22 (2) there is a compelling public interest to issue the permit, as determined by the
153.23 commissioner, based on criteria established in rules adopted under subdivision 6.

153.24 (c) If the commissioner determines that a compelling public interest exists and the
153.25 applicant enters into a community benefit agreement with the commissioner, the agency
153.26 may grant a permit that imposes conditions on the construction and operation of the facility
153.27 to protect public health and the environment.

153.28 (d) The commissioner must prepare a written document containing the reasons for the
153.29 commissioner's decision regarding the need for a cumulative impacts analysis made under
153.30 this subdivision and describing how various pieces of evidence were weighed and balanced
153.31 to arrive at the decision. The commissioner must provide a copy of the document to the
153.32 permit applicant and to any person who submitted material evidence to the commissioner
153.33 for consideration in making the decision and must post the document on the agency website.

154.1 (e) Issuance of a permit under this section must include a requirement that the facility
154.2 provide information to the community describing the health risks that the facility poses.

154.3 (f) A community benefit agreement must be signed on or before the date a new or reissued
154.4 permit is issued in an environmental justice area.

117.3 (e) If the permit applicant or permit holder is applying for more than one permit that
117.4 may affect the same environmental justice area, the permit applicant or permit holder may
117.5 request that the commissioner require that the facility hold two public meetings that address
117.6 all of the permits sought. The commissioner may approve or deny the request.

117.7 (f) The commissioner may incorporate conditions in a permit for a facility located in or
117.8 affecting an environmental justice area to hold multiple in-person meetings with residents
117.9 of the environmental justice area affected by the facility to share information and discuss
117.10 community concerns.

117.11 Subd. 4. **Environmental justice area; permit decisions.** (a) In determining whether to
117.12 issue or deny a permit, the commissioner must consider the testimony presented and
117.13 comments submitted in public meetings held under subdivision 3. The permit may be issued
117.14 no earlier than 30 days following the last public meeting.

117.15 (b) The commissioner must deny an application for a permit subject to this section for
117.16 a facility in an environmental justice area if the commissioner finds that issuing the permit
117.17 in combination with the environmental stressors present in the environmental justice area
117.18 would contribute to adverse cumulative environmental stressors in the environmental justice
117.19 area, unless:

117.20 (1) the commissioner enters into a community benefit agreement with the facility owner
117.21 or operator, in consultation with community-based organizations representing the interests
117.22 of residents of the environmental justice area; and

117.23 (2) there is a compelling public interest to issue the permit, as determined by the
117.24 commissioner, based on criteria established in rules adopted under subdivision 5.

117.25 (c) If the commissioner determines that a compelling public interest exists and the
117.26 commissioner enters into a community benefit agreement with the facility owner or operator,
117.27 the commissioner may grant a permit that imposes conditions on the construction and
117.28 operation of the facility to protect public health and the environment.

117.29 (d) Issuance of a permit under this section must include a requirement that the facility
117.30 provide information to the community describing the health risks that the facility poses.

117.31 (e) A community benefit agreement must be signed on or before the date a new permit
117.32 or major source permit amendment is issued in an environmental justice area.

154.5 (g) The commissioner must publish and maintain on the agency website a list of
154.6 environmental justice areas in the state.

154.7 (h) The agency must maintain an updated database of the identified stressors in specific
154.8 census tracts and make this database accessible to the public.

154.9 Subd. 6. **Rulemaking.** (a) The commissioner must adopt rules under chapter 14 to
154.10 implement and govern the cumulative impacts analysis and issuance or denial of permits
154.11 for facilities that impact environmental justice areas as provided in this section.
154.12 Notwithstanding section 14.125, the agency must publish notice of intent to adopt rules
154.13 within 36 months of the effective date of this act, or the authority for the rules expires.

154.14 (b) During the rulemaking process, the Pollution Control Agency must engage in robust
154.15 public engagement, including public meetings, and Tribal consultation.

154.16 (c) Rules adopted under this section must:

154.17 (1) establish benchmarks to assist the commissioner's determination regarding the need
154.18 for a cumulative impacts analysis;

154.19 (2) establish the required content of a cumulative impacts analysis, including sources
154.20 of public information that an applicant can access regarding environmental stressors that
154.21 are present in an environmental justice area;

154.22 (3) define conditions, criteria, or circumstances that qualify as a compelling public
154.23 interest, which:

154.24 (i) must include, with respect to economic considerations, only those that directly and
154.25 substantially benefit residents of the environmental justice area;

154.26 (ii) must include noneconomic considerations that directly benefit the residents of the
154.27 environmental justice area; and

154.28 (iii) must take into account public comments made at public meetings held under
154.29 subdivision 4;

154.30 (4) establish the content of a community benefit agreement and procedures for entering
154.31 into community benefit agreements, which must include:

155.1 (i) meaningful consultation with members of the public and community-based
155.2 organizations or coalitions representing the interests of residents within the environmental
155.3 justice area;

155.4 (ii) at least one public meeting held within the environmental justice area; and

118.1 (f) The commissioner must publish and maintain on the agency website a list of
118.2 environmental justice areas in the state.

118.3 Subd. 5. **Rulemaking.** (a) The commissioner must adopt rules under chapter 14 to
118.4 implement and govern the cumulative impacts analysis and issuance or denial of permits
118.5 for facilities that impact environmental justice areas as provided in this section.
118.6 Notwithstanding section 14.125, the agency must publish notice of intent to adopt rules
118.7 within 36 months of the effective date of this section, or the authority for the rules expires.

118.8 (b) During the rulemaking process, the Pollution Control Agency must engage in robust
118.9 public engagement, including public meetings, and Tribal consultation.

118.10 (c) Rules adopted under this section must:

118.18 (2) establish benchmarks to assist the commissioner's determination regarding the need
118.19 for a cumulative impacts analysis;

118.11 (1) define conditions, criteria, or circumstances that qualify as a compelling public
118.12 interest, which:

118.13 (i) must consider whether the economic benefit considered will directly or substantially
118.14 benefit residents of the affected environmental justice area;

118.15 (ii) must include noneconomic considerations; and

118.16 (iii) must take into account public comments made at public meetings held under
118.17 subdivision 3;

118.20 (3) establish the content of a community benefit agreement and procedures for entering
118.21 into community benefit agreements, which must include consultation with members of the
118.22 public and community-based organizations or coalitions representing the interests of residents
118.23 within the environmental justice area;

155.5 (iii) a formal petition showing support from 50 community members that is signed after
155.6 a public meeting; and

155.7 (5) establish a petition process and form submitted to the agency by environmental
155.8 justice area residents to support the need for a cumulative impact analysis, including criteria
155.9 defining potential adverse cumulative impacts on the environment or health of the residents.

155.10 (d) The agency must provide translation services and translated materials upon request
155.11 during rulemaking meetings.

155.12 (e) The agency must provide public notice on the agency website at least 30 days before
155.13 public meetings held on the rulemaking. The notice must include the date, time, and location
155.14 of the meeting. The agency must use multiple communication methods to inform residents
155.15 of environmental justice areas in the public meetings held for the rulemaking.

155.16 Subd. 7. **Review.** Any person aggrieved by a final decision on the need for a cumulative
155.17 impacts analysis or the issuance or denial of a permit under this section is entitled to judicial
155.18 review of the decision under sections 14.63 to 14.68. A petition for a writ of certiorari by
155.19 an aggrieved person for judicial review under sections 14.63 to 14.68 must be filed with
155.20 the court of appeals and served on all parties to the contested case not more than 30 days
155.21 after the party receives the final decision and order of the agency.

155.22 Subd. 8. **Compliance costs.** A permit applicant is responsible for the cost of complying
155.23 with this section. The reasonable costs of the agency to comply with this section are to be
155.24 borne by permit applicants subject to this section, as required under section 116.07,
155.25 subdivision 4d, paragraph (b).

155.26 Sec. 24. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to
155.27 read:

155.28 Subd. 4m. **Nonexpiring state individual permits; public informational meeting.** (a)
155.29 For each facility issued a nonexpiring state individual air quality permit by the agency, the
155.30 agency must hold a separate public informational meeting at regular intervals to allow the
155.31 public to make comments or inquiries regarding any aspect of the permit, including but not
155.32 limited to permit conditions, testing results, the facility's operations, and permit compliance.
155.33 The public informational meeting must be held at a location near the permitted facility and
156.1 convenient to the public. Individuals employed at the facility who are responsible for the
156.2 facility meeting the conditions of the permit and agency officials must be present at the
156.3 public informational meeting. For nonexpiring state individual air quality permits issued or

118.24 (4) establish a petition process and form submitted to the agency by environmental
118.25 justice area residents to support the need for a cumulative impact analysis;

118.26 (5) establish and define criteria for requiring a cumulative impact analysis; and
118.27 (6) establish a process for conducting a cumulative impacts analysis.

118.28 (d) The agency must provide translation services and translated materials upon request
118.29 during rulemaking meetings.

118.30 (e) The agency must use multiple communication methods to inform residents of
118.31 environmental justice areas in the public meetings held for the rulemaking.

119.1 **EFFECTIVE DATE.** Subdivisions 1 and 5 are effective the day following final
119.2 enactment. The remainder of this section is effective on January 1, 2027.

156.4 reissued after December 31, 2018, a public informational meeting must be held under this
156.5 subdivision no later than five years after the permit is issued or reissued and every five years
156.6 thereafter. For nonexpiring state individual air quality permits issued on or before December
156.7 31, 2018, a public informational meeting must be held under this subdivision no later than
156.8 December 31, 2024, and every five years thereafter.

156.9 (b) For the purposes of this section, "state individual air quality permit" means an air
156.10 quality permit that:

156.11 (1) is issued to an individual facility that is required to obtain a permit under Minnesota
156.12 Rules, part 7007.0250, subparts 2 to 6; and

156.13 (2) is not a general permit issued under Minnesota Rules, part 7007.1100.

156.14 (c) As required under subdivision 4d, the agency's direct and indirect reasonable costs
156.15 of conducting the activities under this subdivision must be recovered through air quality
156.16 permit fees.

156.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

156.18 Sec. 25. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to
156.19 read:

156.20 Subd. 4n. **Permit review denial.** If the commissioner determines that a person's request
156.21 for the agency to review an existing permit is not warranted, the commissioner must state
156.22 the reasons for the determination in writing within 15 days of the determination.

156.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

156.24 Sec. 26. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to
156.25 read:

156.26 Subd. 4o. **Aboveground storage tanks; fees.** (a) The commissioner must collect permit
156.27 fees for aboveground storage tank facilities in amounts not greater than necessary to cover
156.28 the reasonable costs of developing, reviewing, and acting upon applications for agency
156.29 permits and implementing and enforcing the conditions of the permits. The fee schedule
156.30 must reflect reasonable and routine direct and indirect costs associated with permitting,
156.31 implementation, enforcement, and other activities necessary to operate the aboveground
156.32 storage tank program.

157.1 (b) Each fiscal year, the commissioner must adjust the fees as necessary to maintain an
157.2 annual income that covers the legislative appropriation needed to administer the aboveground
157.3 storage tank program according to paragraph (a). The commissioner must adjust fees
157.4 according to the criteria established under paragraph (c) and as required under paragraph
157.5 (d). Fees established under this subdivision are exempt from section 16A.1285.

157.6 (c) The commissioner must adopt rules that specify criteria for establishing:

157.7 (1) an annual fee from permitted aboveground storage tank facilities; and
157.8 (2) a permit application fee for aboveground storage tank facility permit applications.
157.9 (d) The commissioner must annually increase the fees under this subdivision by the
157.10 percentage, if any, by which the Consumer Price Index for the most recent calendar year
157.11 ending before the beginning of the year the fee is collected exceeds the Consumer Price
157.12 Index for calendar year 2022. For purposes of this paragraph, the Consumer Price Index for
157.13 any calendar year is the average of the Consumer Price Index for all urban consumers
157.14 published by the United States Department of Labor as of the close of the 12-month period
157.15 ending on August 31 of each calendar year. The revision of the Consumer Price Index that
157.16 is most consistent with the Consumer Price Index for calendar year 2022 must be used.
157.17 (e) Fees collected under this subdivision must be deposited in the state treasury and
157.18 credited to the environmental fund and must be used for the purposes specified in paragraph
157.19 (a).
157.20 (f) This paragraph expires when the commissioner adopts the initial rules required under
157.21 paragraph (c). Until the commissioner adopts the initial rules under paragraph (c):
157.22 (1) the annual fee for major aboveground storage tank facilities is equal to the quotient
157.23 of dividing the legislative appropriation under paragraph (b) by the number of major
157.24 aboveground storage tank facilities; and
157.25 (2) there is no permit application fee for aboveground storage tank facilities.
157.26 Sec. 27. Minnesota Statutes 2022, section 116.07, subdivision 6, is amended to read:
157.27 Subd. 6. **Pollution Control Agency; exercise of powers.** In exercising all its powers
157.28 the Pollution Control Agency ~~shall give due consideration to~~ must:
157.29 (1) consider the establishment, maintenance, operation and expansion of business,
157.30 commerce, trade, industry, traffic, and other economic factors and other material matters
157.31 affecting the feasibility and practicability of any proposed action, including, but not limited
157.32 to, the burden on a municipality of any tax which may result therefrom, and ~~shall~~ must take
158.1 or provide for such action as may be reasonable, feasible, and practical under the
158.2 circumstances; and
158.3 (2) to the extent reasonable, feasible, and practical under the circumstances:
158.4 (i) ensure that actions or programs that have a direct, indirect, or cumulative impact on
158.5 environmental justice areas incorporate community-focused practices and procedures in
158.6 agency processes, including communication, outreach, engagement, and education to enhance
158.7 meaningful, timely, and transparent community access;
158.8 (ii) collaborate with other state agencies to identify, develop, and implement means to
158.9 eliminate and reverse environmental and health inequities and disparities;

119.3 Sec. 61. Minnesota Statutes 2022, section 116.07, subdivision 6, is amended to read:
119.4 Subd. 6. **Pollution Control Agency; exercise of powers.** In exercising all its powers
119.5 the Pollution Control Agency ~~shall give due consideration to~~ must:
119.6 (1) consider the establishment, maintenance, operation and expansion of business,
119.7 commerce, trade, industry, traffic, and other economic factors and other material matters
119.8 affecting the feasibility and practicability of any proposed action, including, but not limited
119.9 to, the burden on a municipality of any tax which may result therefrom, and ~~shall~~ must take
119.10 or provide for such action as may be reasonable, feasible, and practical under the
119.11 circumstances; and
119.12 (2) to the extent reasonable, feasible, and practical under the circumstances:
119.13 (i) ensure that actions or programs that have a direct, indirect, or cumulative impact on
119.14 environmental justice areas incorporate community-focused practices and procedures in
119.15 agency processes, including communication, outreach, engagement, and education to enhance
119.16 meaningful, timely, and transparent community access;
119.17 (ii) collaborate with other state agencies to identify, develop, and implement means to
119.18 eliminate and reverse environmental and health inequities and disparities;

158.10 (iii) promote the utility and availability of environmental data and analysis for
158.11 environmental justice areas, other agencies, federally recognized Tribal governments, and
158.12 the public;

158.13 (iv) encourage coordination and collaboration with residents of environmental justice
158.14 areas to address environmental and health inequities and disparities; and

158.15 (v) ensure environmental justice values are represented to the agency from a
158.16 commissioner-appointed environmental justice advisory committee that is composed of
158.17 diverse members and that is developed and operated in a manner open to the public and in
158.18 accordance with the duties described in the bylaws and charter adopted and maintained by
158.19 the commissioner.

158.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

158.21 Sec. 28. Minnesota Statutes 2022, section 116.07, is amended by adding a subdivision to
158.22 read:

158.23 Subd. 7f. **Abandoned manure storage areas.** At least annually, the commissioner must
158.24 compile a list of abandoned manure storage areas in the state. A list compiled under this
158.25 subdivision is not a feedlot inventory for purposes of subdivision 7b. For purposes of this
158.26 subdivision, "abandoned manure storage areas" means solid and liquid manure storage areas
158.27 that have been previously registered with the state as a feedlot with a manure storage area
158.28 and have:

158.29 (1) permanently ceased operation and are subject to, but not in compliance with, the
158.30 closure requirements established by the commissioner in rule for feedlots and manure storage
158.31 areas; or

158.32 (2) been unused for at least three years.

159.1 Sec. 29. **[116.07] ENVIRONMENTAL JUSTICE AREAS; BOUNDARIES; MAPS.**

159.2 (a) No later than December 1, 2023, the commissioner must determine the boundaries
159.3 of all environmental justice areas in Minnesota. The determination of the geographic
159.4 boundaries of an environmental justice area may be appealed by filing a petition that contains
159.5 evidence to support amending the commissioner's determination. The petition must be
159.6 signed by at least 50 residents of census tracts within or adjacent to the environmental justice
159.7 area, as determined by the commissioner. The commissioner may, after reviewing the
159.8 petition, amend the boundaries of an environmental justice area.

159.9 (b) The commissioner must post updated maps of each environmental justice area in the
159.10 state on the agency website.

159.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

119.19 (iii) promote the utility and availability of environmental data and analysis for
119.20 environmental justice areas, other agencies, federally recognized Tribal governments, and
119.21 the public;

119.22 (iv) encourage coordination and collaboration with residents of environmental justice
119.23 areas to address environmental and health inequities and disparities; and

119.24 (v) ensure environmental justice values are represented to the agency from a
119.25 commissioner-appointed environmental justice advisory committee that is composed of
119.26 diverse members and that is developed and operated in a manner open to the public and in
119.27 accordance with the duties described in the bylaws and charter adopted and maintained by
119.28 the commissioner.

119.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

159.12 Sec. 30. **[116.196] GREEN INFRASTRUCTURE GRANT PROGRAM.**

159.13 Subdivision 1. **Establishment of program.** The commissioner must establish a green
159.14 infrastructure grant program to provide grants for green infrastructure projects.

159.15 Subd. 2. **Definitions.** (a) For the purposes of this section, the following terms have the
159.16 meanings given.

159.17 (b) "Commissioner" means the commissioner of the Pollution Control Agency.

159.18 (c) "Green infrastructure" has the meaning given in United States Code, title 33, section
159.19 1362, as amended through December 31, 2019, and also includes trails, bridges, roads, and
159.20 recreational amenities designed to mitigate stormwater impacts.

159.21 (d) "Political subdivision" means a county, home rule charter or statutory city, town, or
159.22 other political subdivision of the state.

159.23 (e) "Project" means a green infrastructure project or stormwater infrastructure project
159.24 to be owned and administered by a political subdivision.

159.25 (f) "Stormwater infrastructure" means a project that does one or more of the following:

159.26 (1) increases stormwater capacity or stormwater storage;

159.27 (2) addresses environmental damage caused by weather extremes;

159.28 (3) prevents localized flooding;

159.29 (4) creates stormwater systems that can manage flows from heavy rains;

159.30 (5) addresses public safety concerns caused by undersized stormwater systems; or

160.1 (6) ensures continuation of critical services during severe weather.

160.2 Subd. 3. **Eligibility.** A political subdivision is eligible to apply for and receive a grant
160.3 under this section.

160.4 Subd. 4. **Application.** An application by a political subdivision for a grant under this
160.5 section must be made at the time and in the form and manner prescribed by the commissioner.

160.6 Subd. 5. **Eligible project.** A grant may be used to acquire land or an interest in land,
160.7 predesign, design, renovate, construct, furnish, and equip a project.

160.8 Subd. 6. **Grants.** To be eligible for a grant under this section, a political subdivision
160.9 must timely submit an application to the commissioner and pass a resolution in support of
160.10 the project. The commissioner may give priority to a political subdivision that provides a
160.11 local match of funds for the project.

160.12 Sec. 31. [116.943] PRODUCTS CONTAINING PFAS.

160.13 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
160.14 the meanings given.

160.15 (b) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

160.16 (c) "Air care product" means a chemically formulated consumer product labeled to
160.17 indicate that the purpose of the product is to enhance or condition the indoor environment
160.18 by eliminating odors or freshening the air.

160.19 (d) "Automotive maintenance product" means a chemically formulated consumer product
160.20 labeled to indicate that the purpose of the product is to maintain the appearance of a motor
160.21 vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior
160.22 or interior surfaces of motor vehicles. Automotive maintenance product does not include
160.23 automotive paint or paint repair products.

160.24 (e) "Carpet or rug" means a fabric marketed or intended for use as a floor covering.

160.25 (f) "Cleaning product" means a finished product used primarily for domestic, commercial,
160.26 or institutional cleaning purposes, including but not limited to an air care product, an
160.27 automotive maintenance product, a general cleaning product, or a polish or floor maintenance
160.28 product.

160.29 (g) "Commissioner" means the commissioner of the Pollution Control Agency.

161.1 (h) "Cookware" means durable houseware items used to prepare, dispense, or store food,
161.2 foodstuffs, or beverages. Cookware includes but is not limited to pots, pans, skillets, grills,
161.3 baking sheets, baking molds, trays, bowls, and cooking utensils.

161.4 (i) "Cosmetic" means articles, excluding soap:

161.5 (1) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise
161.6 applied to the human body or any part thereof for the purpose of cleansing, beautifying,
161.7 promoting attractiveness, or altering the appearance; and

161.8 (2) intended for use as a component of any such article.

161.9 (j) "Currently unavoidable use" means a use of PFAS that the commissioner has
161.10 determined by rule under this section to be essential for health, safety, or the functioning
161.11 of society and for which alternatives are not reasonably available.

161.12 (k) "Fabric treatment" means a substance applied to fabric to give the fabric one or more
161.13 characteristics, including but not limited to stain resistance or water resistance.

161.14 (l) "Intentionally added" means PFAS deliberately added during the manufacture of a
161.15 product where the continued presence of PFAS is desired in the final product or one of the
161.16 product's components to perform a specific function.

120.1 Sec. 62. [116.943] PRODUCTS CONTAINING PFAS.

120.2 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
120.3 the meanings given.

120.4 (b) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

120.5 (c) "Air care product" means a chemically formulated consumer product labeled to
120.6 indicate that the purpose of the product is to enhance or condition the indoor environment
120.7 by eliminating odors or freshening the air.

120.8 (d) "Automotive maintenance product" means a chemically formulated consumer product
120.9 labeled to indicate that the purpose of the product is to maintain the appearance of a motor
120.10 vehicle, including products for washing, waxing, polishing, cleaning, or treating the exterior
120.11 or interior surfaces of motor vehicles. Automotive maintenance product does not include
120.12 automotive paint or paint repair products.

120.13 (e) "Carpet or rug" means a fabric marketed or intended for use as a floor covering.

120.14 (f) "Cleaning product" means a finished product used primarily for domestic, commercial,
120.15 or institutional cleaning purposes, including but not limited to an air care product, an
120.16 automotive maintenance product, a general cleaning product, or a polish or floor maintenance
120.17 product.

120.18 (g) "Commissioner" means the commissioner of the Pollution Control Agency.

120.19 (h) "Cookware" means durable houseware items used to prepare, dispense, or store food,
120.20 foodstuffs, or beverages. Cookware includes but is not limited to pots, pans, skillets, grills,
120.21 baking sheets, baking molds, trays, bowls, and cooking utensils.

120.22 (i) "Cosmetic" means articles, excluding soap:

120.23 (1) intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise
120.24 applied to the human body or any part thereof for the purpose of cleansing, beautifying,
120.25 promoting attractiveness, or altering the appearance; and

120.26 (2) intended for use as a component of any such article.

120.27 (j) "Currently unavoidable use" means a use of PFAS that the commissioner has
120.28 determined by rule under this section to be essential for health, safety, or the functioning
120.29 of society and for which alternatives are not reasonably available.

120.30 (k) "Fabric treatment" means a substance applied to fabric to give the fabric one or more
120.31 characteristics, including but not limited to stain resistance or water resistance.

121.1 (l) "Intentionally added" means PFAS deliberately added during the manufacture of a
121.2 product where the continued presence of PFAS is desired in the final product or one of the
121.3 product's components to perform a specific function.

161.17 (m) "Juvenile product" means a product designed or marketed for use by infants and
161.18 children under 12 years of age:

161.19 (1) including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper;
161.20 booster seat; changing pad; child restraint system for use in motor vehicles and aircraft;
161.21 co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant
161.22 seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing
161.23 pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow;
161.24 portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable
161.25 crib; stroller; and toddler mattress; and

161.26 (2) not including a children's electronic product such as a personal computer, audio and
161.27 video equipment, calculator, wireless phone, game console, handheld device incorporating
161.28 a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit,
161.29 or power cord; a medical device; or an adult mattress.

161.30 (n) "Manufacturer" means the person that creates or produces a product or whose brand
161.31 name is affixed to the product. In the case of a product imported into the United States,
161.32 manufacturer includes the importer or first domestic distributor of the product if the person
162.1 that manufactured or assembled the product or whose brand name is affixed to the product
162.2 does not have a presence in the United States.

162.3 (o) "Medical device" has the meaning given "device" under United States Code, title
162.4 21, section 321, subsection (h).

162.5 (p) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of
162.6 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

162.7 (q) "Product" means an item manufactured, assembled, packaged, or otherwise prepared
162.8 for sale to consumers, including but not limited to its product components, sold or distributed
162.9 for personal, residential, commercial, or industrial use, including for use in making other
162.10 products.

162.11 (r) "Product component" means an identifiable component of a product, regardless of
162.12 whether the manufacturer of the product is the manufacturer of the component.

162.13 (s) "Ski wax" means a lubricant applied to the bottom of snow runners, including but
162.14 not limited to skis and snowboards, to improve their grip or glide properties. Ski wax includes
162.15 related tuning products.

162.16 (t) "Textile" means an item made in whole or part from a natural or synthetic fiber, yarn,
162.17 or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose,
162.18 nylon, and polyester.

162.19 (u) "Textile furnishings" means textile goods of a type customarily used in households
162.20 and businesses, including but not limited to draperies, floor coverings, furnishings, bedding,
162.21 towels, and tablecloths.

121.4 (m) "Juvenile product" means a product designed or marketed for use by infants and
121.5 children under 12 years of age:

121.6 (1) including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper;
121.7 booster seat; changing pad; child restraint system for use in motor vehicles and aircraft;
121.8 co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant
121.9 seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing
121.10 pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow;
121.11 portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable
121.12 crib; stroller; and toddler mattress; and

121.13 (2) not including a children's electronic product such as a personal computer, audio and
121.14 video equipment, calculator, wireless phone, game console, handheld device incorporating
121.15 a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit,
121.16 or power cord; or an adult mattress.

121.17 (n) "Manufacturer" means the person that creates or produces a product or whose brand
121.18 name is affixed to the product. In the case of a product imported into the United States,
121.19 manufacturer includes the importer or first domestic distributor of the product if the person
121.20 that manufactured or assembled the product or whose brand name is affixed to the product
121.21 does not have a presence in the United States.

121.22 (o) "Medical device" has the meaning given "device" under United States Code, title
121.23 21, section 321, subsection (h).

121.24 (p) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of
121.25 fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

121.26 (q) "Product" means an item manufactured, assembled, packaged, or otherwise prepared
121.27 for sale to consumers, including but not limited to its product components, sold or distributed
121.28 for personal, residential, commercial, or industrial use, including for use in making other
121.29 products.

121.30 (r) "Product component" means an identifiable component of a product, regardless of
121.31 whether the manufacturer of the product is the manufacturer of the component.

122.1 (s) "Ski wax" means a lubricant applied to the bottom of snow runners, including but
122.2 not limited to skis and snowboards, to improve their grip or glide properties. Ski wax includes
122.3 related tuning products.

122.4 (t) "Textile" means an item made in whole or part from a natural or synthetic fiber, yarn,
122.5 or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose,
122.6 nylon, and polyester.

122.7 (u) "Textile furnishings" means textile goods of a type customarily used in households
122.8 and businesses, including but not limited to draperies, floor coverings, furnishings, bedding,
122.9 towels, and tablecloths.

162.22 (v) "Upholstered furniture" means an article of furniture that is designed to be used for
162.23 sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling
162.24 material.

162.25 Subd. 2. **Information required.** (a) On or before January 1, 2026, a manufacturer of a
162.26 product sold, offered for sale, or distributed in the state that contains intentionally added
162.27 PFAS must submit to the commissioner information that includes:

162.28 (1) a brief description of the product, including a universal product code (UPC), stock
162.29 keeping unit (SKU), or other numeric code assigned to the product;

162.30 (2) the purpose for which PFAS are used in the product, including in any product
162.31 components;

163.1 (3) the amount of each PFAS, identified by its chemical abstracts service registry number,
163.2 in the product, reported as an exact quantity determined using commercially available
163.3 analytical methods or as falling within a range approved for reporting purposes by the
163.4 commissioner;

163.5 (4) the name and address of the manufacturer and the name, address, and phone number
163.6 of a contact person for the manufacturer; and

163.7 (5) any additional information requested by the commissioner as necessary to implement
163.8 the requirements of this section.

163.9 (b) With the approval of the commissioner, a manufacturer may supply the information
163.10 required in paragraph (a) for a category or type of product rather than for each individual
163.11 product.

163.12 (c) A manufacturer must submit the information required under this subdivision whenever
163.13 a new product is sold, offered for sale, or distributed in the state and update and revise the
163.14 information whenever there is significant change in the information or when requested to
163.15 do so by the commissioner.

163.16 (d) A person may not sell, offer for sale, or distribute for sale in the state a product
163.17 containing intentionally added PFAS if the manufacturer has failed to provide the information
163.18 required under this subdivision and the person has received notification under subdivision
163.19 4.

163.20 Subd. 3. **Information requirement waivers; extensions.** (a) The commissioner may
163.21 waive all or part of the information requirement under subdivision 2 if the commissioner
163.22 determines that substantially equivalent information is already publicly available.

122.10 (v) "Upholstered furniture" means an article of furniture that is designed to be used for
122.11 sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling
122.12 material.

122.13 Subd. 2. **Information required.** (a) On or before January 1, 2026, a manufacturer of a
122.14 product sold, offered for sale, or distributed in the state that contains intentionally added
122.15 PFAS must submit to the commissioner information that includes:

122.16 (1) a brief description of the product, including a universal product code (UPC), stock
122.17 keeping unit (SKU), or other numeric code assigned to the product;

122.18 (2) the purpose for which PFAS are used in the product, including in any product
122.19 components;

122.20 (3) the amount of each PFAS, identified by its chemical abstracts service registry number,
122.21 in the product, reported as an exact quantity determined using commercially available
122.22 analytical methods or as falling within a range approved for reporting purposes by the
122.23 commissioner;

122.24 (4) the name and address of the manufacturer and the name, address, and phone number
122.25 of a contact person for the manufacturer; and

122.26 (5) any additional information requested by the commissioner as necessary to implement
122.27 the requirements of this section.

122.28 (b) With the approval of the commissioner, a manufacturer may supply the information
122.29 required in paragraph (a) for a category or type of product rather than for each individual
122.30 product.

122.31 (c) A manufacturer must submit the information required under this subdivision whenever
122.32 a new product that contains intentionally added PFAS is sold, offered for sale, or distributed
123.1 in the state and update and revise the information whenever there is significant change in
123.2 the information or when requested to do so by the commissioner.

123.3 (d) A person may not sell, offer for sale, or distribute for sale in the state a product
123.4 containing intentionally added PFAS if the manufacturer has failed to provide the information
123.5 required under this subdivision and the person has received notification under subdivision
123.6 4.

123.7 Subd. 3. **Information requirement waivers; extensions.** (a) The commissioner may
123.8 waive all or part of the information requirement under subdivision 2 if the commissioner
123.9 determines that substantially equivalent information is already publicly available. The
123.10 commissioner may grant a waiver under this paragraph to a manufacturer or a group of
123.11 manufacturers for multiple products or a product category.

163.23 (b) The commissioner may enter into an agreement with one or more other states or
163.24 political subdivisions of a state to collect information and may accept information to a shared
163.25 system as meeting the information requirement under subdivision 2.

163.26 (c) The commissioner may extend the deadline for submission by a manufacturer of the
163.27 information required under subdivision 2 if the commissioner determines that more time is
163.28 needed by the manufacturer to comply with the submission requirement.

163.29 (d) The commissioner may grant a waiver under this subdivision to a manufacturer or
163.30 a group of manufacturers for multiple products or a product category.

163.31 Subd. 4. **Testing required and certificate of compliance.** (a) If the commissioner has
163.32 reason to believe that a product contains intentionally added PFAS and the product is being
163.33 offered for sale in the state, the commissioner may direct the manufacturer of the product
164.1 to, within 30 days, provide the commissioner with testing results that demonstrate the amount
164.2 of each of the PFAS, identified by its chemical abstracts service registry number, in the
164.3 product, reported as an exact quantity determined using commercially available analytical
164.4 methods or as falling within a range approved for reporting purposes by the commissioner.

164.5 (b) If testing demonstrates that the product does not contain intentionally added PFAS,
164.6 the manufacturer must provide the commissioner a certificate attesting that the product does
164.7 not contain intentionally added PFAS, including testing results and any other relevant
164.8 information.

164.9 (c) If testing demonstrates that the product contains intentionally added PFAS, the
164.10 manufacturer must provide the commissioner with the testing results and the information
164.11 required under subdivision 2.

164.12 (d) A manufacturer must notify persons who sell or offer for sale a product prohibited
164.13 under subdivision 2 or 5 that the sale of that product is prohibited in this state and provide
164.14 the commissioner with a list of the names and addresses of those notified.

164.15 (e) The commissioner may notify persons who sell or offer for sale a product prohibited
164.16 under subdivision 2 or 5 that the sale of that product is prohibited in this state.

164.17 Subd. 5. **Prohibitions.** (a) Beginning January 1, 2025, a person may not sell, offer for
164.18 sale, or distribute for sale in this state the following products if the product contains
164.19 intentionally added PFAS:

- 164.20 (1) carpets or rugs;
164.21 (2) cleaning products;
164.22 (3) cookware;
164.23 (4) cosmetics;
164.24 (5) dental floss;

123.12 (b) The commissioner may enter into an agreement with one or more other states or
123.13 political subdivisions of a state to collect information and may accept information to a shared
123.14 system as meeting the information requirement under subdivision 2.

123.15 (c) The commissioner may extend the deadline for submission by a manufacturer of the
123.16 information required under subdivision 2 if the commissioner determines that more time is
123.17 needed by the manufacturer to comply with the submission requirement.

123.18 Subd. 4. **Testing required and certificate of compliance.** (a) If the commissioner has
123.19 reason to believe that a product contains intentionally added PFAS and the product is being
123.20 offered for sale in the state, the commissioner may direct the manufacturer of the product
123.21 to, within 30 days, provide the commissioner with testing results that demonstrate the amount
123.22 of each of the PFAS, identified by its chemical abstracts service registry number, in the
123.23 product, reported as an exact quantity determined using commercially available analytical
123.24 methods or as falling within a range approved for reporting purposes by the commissioner.

123.25 (b) If testing demonstrates that the product does not contain intentionally added PFAS,
123.26 the manufacturer must provide the commissioner a certificate attesting that the product does
123.27 not contain intentionally added PFAS, including testing results and any other relevant
123.28 information.

123.29 (c) If testing demonstrates that the product contains intentionally added PFAS, the
123.30 manufacturer must provide the commissioner with the testing results and the information
123.31 required under subdivision 2.

124.1 (d) A manufacturer must notify persons who sell or offer for sale a product prohibited
124.2 under subdivision 2 or 5 that the sale of that product is prohibited in this state and provide
124.3 the commissioner with a list of the names and addresses of those notified.

124.4 (e) The commissioner may notify persons who sell or offer for sale a product prohibited
124.5 under subdivision 2 or 5 that the sale of that product is prohibited in this state.

124.6 Subd. 5. **Prohibitions.** (a) Beginning January 1, 2025, a person may not sell, offer for
124.7 sale, or distribute for sale in this state the following products if the product contains
124.8 intentionally added PFAS:

- 124.9 (1) carpets or rugs;
124.10 (2) cleaning products;
124.11 (3) cookware;
124.12 (4) cosmetics;
124.13 (5) dental floss;

164.25 (6) fabric treatments;
164.26 (7) juvenile products;
164.27 (8) menstruation products;
164.28 (9) textile furnishings;
164.29 (10) ski wax; or
164.30 (11) upholstered furniture.

165.1 (b) The commissioner may by rule identify products by category or use that may not be
165.2 sold, offered for sale, or distributed for sale in this state if they contain intentionally added
165.3 PFAS and designate effective dates. Effective dates must begin no earlier than January 1,
165.4 2025, and no later than January 2, 2032. The commissioner must prioritize the prohibition
165.5 of the sale of product categories that, in the commissioner's judgment, are most likely to
165.6 contaminate or harm the state's environment and natural resources if they contain intentionally
165.7 added PFAS. The commissioner may exempt products by rule when the use of PFAS is a
165.8 currently unavoidable use as determined by the commissioner.

165.9 (c) Beginning January 1, 2032, a person may not sell, offer for sale, or distribute for sale
165.10 in this state any product that contains intentionally added PFAS, unless the commissioner
165.11 has determined by rule that the use of PFAS in the product is a currently unavoidable use.
165.12 The commissioner may specify specific products or product categories for which the
165.13 commissioner has determined the use of PFAS is a currently unavoidable use.

165.14 Subd. 6. Fees. The commissioner may establish by rule a fee payable by a manufacturer
165.15 to the commissioner upon submission of the information required under subdivision 2 to
165.16 cover the agency's reasonable costs to implement this section. Fees collected under this
165.17 subdivision must be deposited in an account in the environmental fund.

165.18 Subd. 7. Enforcement. (a) The commissioner may enforce this section under sections
165.19 115.071 and 116.072. The commissioner may coordinate with the commissioners of
165.20 commerce and health in enforcing this section.

165.21 (b) When requested by the commissioner, a person must furnish to the commissioner
165.22 any information that the person may have or may reasonably obtain that is relevant to show
165.23 compliance with this section.

165.24 Subd. 8. Exemptions. This section does not apply to:

165.25 (1) a product for which federal law governs the presence of PFAS in the product in a
165.26 manner that preempts state authority;

165.27 (2) a product regulated under section 325F.072 or 325F.075; or

124.14 (6) fabric treatments;
124.15 (7) juvenile products;
124.16 (8) menstruation products;
124.17 (9) textile furnishings;
124.18 (10) ski wax; or
124.19 (11) upholstered furniture.

124.20 (b) The commissioner may by rule identify additional products by category or use that
124.21 may not be sold, offered for sale, or distributed for sale in this state if they contain
124.22 intentionally added PFAS and designate effective dates. A prohibition adopted under this
124.23 paragraph must be effective no earlier than January 1, 2025, and no later than January 1,
124.24 2032. The commissioner must prioritize the prohibition of the sale of product categories
124.25 that, in the commissioner's judgment, are most likely to contaminate or harm the state's
124.26 environment and natural resources if they contain intentionally added PFAS.

124.27 (c) Beginning January 1, 2032, a person may not sell, offer for sale, or distribute for sale
124.28 in this state any product that contains intentionally added PFAS, unless the commissioner
124.29 has determined by rule that the use of PFAS in the product is a currently unavoidable use.
124.30 The commissioner may specify specific products or product categories for which the
124.31 commissioner has determined the use of PFAS is a currently unavoidable use. The
125.1 commissioner may not determine that the use of PFAS in a product is a currently unavoidable
125.2 use if the product is listed in paragraph (a).

125.3 Subd. 6. Fees. The commissioner may establish by rule a fee payable by a manufacturer
125.4 to the commissioner upon submission of the information required under subdivision 2 to
125.5 cover the agency's reasonable costs to implement this section. Fees collected under this
125.6 subdivision must be deposited in an account in the environmental fund.

125.7 Subd. 7. Enforcement. (a) The commissioner may enforce this section under sections
125.8 115.071 and 116.072. The commissioner may coordinate with the commissioners of
125.9 commerce and health in enforcing this section.

125.10 (b) When requested by the commissioner, a person must furnish to the commissioner
125.11 any information that the person may have or may reasonably obtain that is relevant to show
125.12 compliance with this section.

125.13 Subd. 8. Exemptions. (a) This section does not apply to:

125.14 (1) a product for which federal law governs the presence of PFAS in the product in a
125.15 manner that preempts state authority;

125.16 (2) a product regulated under section 325F.072 or 325F.075; or

165.28 (3) the sale or resale of a used product.

165.29 Subd. 9. **Rules.** The commissioner may adopt rules necessary to implement this section.
165.30 Section 14.125 does not apply to the commissioner's rulemaking authority under this section.

166.1 Sec. 32. Minnesota Statutes 2022, section 116C.03, subdivision 2a, is amended to read:

166.2 Subd. 2a. **Public members.** The membership terms, compensation, removal, and filling
166.3 of vacancies of public members of the board shall be as provided in section 15.0575, except
166.4 that a public member may be compensated at the rate of up to \$125 a day.

166.5 Sec. 33. Minnesota Statutes 2022, section 325E.046, is amended to read:

166.6 **325E.046 STANDARDS FOR LABELING PLASTIC BAGS, FOOD OR**
166.7 **BEVERAGE PRODUCTS, AND PACKAGING.**

166.8 Subdivision 1. **"Biodegradable" label.** A manufacturer, distributor, or wholesaler may
166.9 not sell or offer for sale and any other person may not knowingly sell or offer for sale in
166.10 this state a plastic bag covered product labeled "biodegradable," "degradable,"
166.11 "decomposable," or any form of those terms, or in any way imply that the bag covered
166.12 product will chemically decompose into innocuous elements in a reasonably short period
166.13 of time in a landfill, composting, or other terrestrial environment unless a scientifically
166.14 based standard for biodegradability is developed and the bags are certified as meeting the
166.15 standard; break down, fragment, degrade, biodegrade, or decompose in a landfill or other
166.16 environment, unless an ASTM standard specification is adopted for the term claimed and
166.17 the product is certified as meeting the specification in compliance with the provisions of
166.18 subdivision 2a.

166.19 Subd. 2. **"Compostable" label.** (a) A manufacturer, distributor, or wholesaler may not
166.20 sell or offer for sale and any other person may not knowingly sell or offer for sale in this
166.21 state a plastic bag covered product labeled "compostable" unless, at the time of sale or offer
166.22 for sale, the bag covered product:

166.23 (1) meets the ASTM Standard Specification for Compostable Labeling of Plastics
166.24 Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6400); Each
166.25 bag must be labeled to reflect that it meets the standard. For purposes of this subdivision,
166.26 "ASTM" has the meaning given in section 296A.01, subdivision 6, or its successor or the
166.27 ASTM Standard Specification for Labeling of End Items that Incorporate Plastics and
166.28 Polymers as Coatings or Additives with Paper and Other Substrates Designed to be
166.29 Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor, and
166.30 the covered product is labeled to reflect that it meets the specification;

166.31 (2) is comprised of only wood without any coatings or additives; or

125.17 (3) the sale or resale of a used product.

125.18 (b) Subdivisions 4 and 5 do not apply to a prosthetic or orthotic device, or to any product
125.19 that is a medical device or drug or that is otherwise used in a medical setting or in medical
125.20 applications regulated by the United States Food and Drug Administration.

125.21 Subd. 9. **Rules.** The commissioner may adopt rules necessary to implement this section.

125.22 Section 14.125 does not apply to the commissioner's rulemaking authority under this section.

166.32 (3) is comprised of only paper without any coatings or additives.

167.1 (b) A covered product labeled "compostable" and meeting the criteria under paragraph
167.2 (a) must be clearly and prominently labeled on the product, or on the product's smallest unit
167.3 of sale, to reflect that it is intended for an industrial or commercial compost facility. The
167.4 label required under this paragraph must be in a legible text size and font.

167.5 Subd. 2a. **Certification of products.** Beginning January 1, 2026, a manufacturer,
167.6 distributor, or wholesaler may not sell or offer for sale and any other person may not
167.7 knowingly sell or offer for sale in this state a covered product labeled as "biodegradable"
167.8 or "compostable" unless the covered product is certified as meeting the requirements of
167.9 subdivision 1 or 2, as applicable, by an entity that:

167.10 (1) is a nonprofit corporation;

167.11 (2) as its primary focus of operation, promotes the production, use, and appropriate end
167.12 of life for materials and products that are designed to fully biodegrade in specific biologically
167.13 active environments such as industrial composting; and

167.14 (3) is technically capable of and willing to perform analysis necessary to determine a
167.15 product's compliance with subdivision 1 or 2, as applicable.

167.16 Subd. 3. **Enforcement; civil penalty; injunctive relief.** (a) A ~~manufacturer, distributor,~~
167.17 ~~or wholesaler~~ person who violates ~~subdivision 1 or 2~~ this section is subject to a civil or
167.18 administrative penalty of \$100 for each prepackaged saleable unit sold or offered for sale
167.19 up to a maximum of \$5,000 and may be enjoined from those violations.

167.20 (b) The attorney general may bring an action in the name of the state in a court of
167.21 competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in
167.22 this subdivision. The attorney general may accept an assurance of discontinuance of acts
167.23 in violation of ~~subdivision 1 or 2~~ this section in the manner provided in section 8.31,
167.24 subdivision 2b.

167.25 (c) The commissioner of the Pollution Control Agency may enforce this section under
167.26 sections 115.071 and 116.072. The commissioner may coordinate with the commissioners
167.27 of commerce and health in enforcing this section.

167.28 (d) When requested by the commissioner of the Pollution Control Agency, a person
167.29 selling or offering for sale a covered product labeled as "compostable" must furnish to the
167.30 commissioner any information that the person may have or may reasonably obtain that is
167.31 relevant to show compliance with this section.

167.32 Subd. 4. **Definitions.** For purposes of this section, the following terms have the meanings
167.33 given:

168.1 (1) "ASTM" has the meaning given in section 296A.01, subdivision 6;

168.2 (2) "covered product" means a bag, food or beverage product, or packaging;

168.3 (3) "food or beverage product" means a product that is used to wrap, package, contain,
168.4 serve, store, prepare, or consume a food or beverage, such as plates, bowls, cups, lids, trays,
168.5 straws, utensils, and hinged or lidded containers; and

168.6 (4) "packaging" has the meaning given in section 115A.03, subdivision 22b.

168.7 **EFFECTIVE DATE.** This section is effective January 1, 2025.

168.8 Sec. 34. **[325E.3892] LEAD AND CADMIUM IN CONSUMER PRODUCTS;**
168.9 **PROHIBITION.**

168.10 Subdivision 1. **Definitions.** For purposes of this section, "covered product" means any
168.11 of the following products or product components:

168.12 (1) jewelry;

168.13 (2) toys;

168.14 (3) cosmetics and personal care products;

168.15 (4) puzzles, board games, card games, and similar games;

168.16 (5) play sets and play structures;

168.17 (6) outdoor games;

168.18 (7) school supplies;

168.19 (8) pots and pans;

168.20 (9) cups, bowls, and other food containers;

168.21 (10) craft supplies and jewelry-making supplies;

168.22 (11) chalk, crayons, paints, and other art supplies;

168.23 (12) fidget spinners;

168.24 (13) costumes, costume accessories, and children's and seasonal party supplies;

168.25 (14) keys, key chains, and key rings; and

168.26 (15) clothing, footwear, headwear, and accessories.

168.27 Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or
168.28 distribute or offer for use in this state any covered product containing:

169.1 (1) lead at more than 0.009 percent by total weight (90 parts per million); or

169.2 (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

129.17 Sec. 65. **[325E.3892] LEAD AND CADMIUM IN CONSUMER PRODUCTS;**
129.18 **PROHIBITION.**

129.19 Subdivision 1. **Definitions.** For purposes of this section, "covered product" means any
129.20 of the following products or product components:

129.21 (1) jewelry;

129.22 (2) toys;

129.23 (3) cosmetics and personal care products;

129.24 (4) puzzles, board games, card games, and similar games;

129.25 (5) play sets and play structures;

129.26 (6) outdoor games;

129.27 (7) school supplies;

129.28 (8) pots and pans;

129.29 (9) cups, bowls, and other food containers;

129.30 (10) craft supplies and jewelry-making supplies;

130.1 (11) chalk, crayons, paints, and other art supplies;

130.2 (12) fidget spinners;

130.3 (13) costumes, costume accessories, and children's and seasonal party supplies;

130.4 (14) keys, key chains, and key rings; and

130.5 (15) clothing, footwear, headwear, and accessories.

130.6 Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or
130.7 distribute or offer for use in this state any covered product containing:

130.8 (1) lead at more than 0.009 percent by total weight (90 parts per million); or

130.9 (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

169.3 (b) This section does not apply to covered products containing lead or cadmium, or both,
169.4 when regulation is preempted by federal law.

169.5 Subd. 3. **Enforcement.** (a) The commissioners of the Pollution Control Agency,
169.6 commerce, and health may coordinate to enforce this section. The commissioner of the
169.7 Pollution Control Agency or commerce may, with the attorney general, enforce any federal
169.8 restrictions on the sale of products containing lead or cadmium, or both, as allowed under
169.9 federal law. The commissioner of the Pollution Control Agency may enforce this section
169.10 under sections 115.071 and 116.072. The commissioner of commerce may enforce this
169.11 section under sections 45.027, subdivisions 1 to 6; 325F.10 to 325F.12; and 325F.14 to
169.12 325F.16. The attorney general may enforce this section under section 8.31.

169.13 (b) When requested by the commissioner of the Pollution Control Agency, the
169.14 commissioner of commerce, or the attorney general, a person must furnish to the
169.15 commissioner or attorney general any information that the person may have or may
169.16 reasonably obtain that is relevant to show compliance with this section.

169.17 Sec. 35. Minnesota Statutes 2022, section 325F.072, subdivision 1, is amended to read:

169.18 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
169.19 the meanings given.

169.20 (b) "Class B firefighting foam" means foam designed ~~for flammable liquid fires to~~
169.21 ~~prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases,~~
169.22 tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.

169.23 (c) "PFAS chemicals" or "perfluoroalkyl and polyfluoroalkyl substances" means, ~~for~~
169.24 ~~the purposes of firefighting agents, a class of fluorinated organic chemicals containing at~~
169.25 ~~least one fully fluorinated carbon atom and designed to be fully functional in class B~~
169.26 ~~firefighting foam formulations.~~

169.27 (d) "Political subdivision" means a county, city, town, or a metropolitan airports
169.28 commission organized and existing under sections 473.601 to 473.679.

169.29 (e) "State agency" means an agency as defined in section 16B.01, subdivision 2.

169.30 (f) "Testing" means calibration testing, conformance testing, and fixed system testing.

170.1 Sec. 36. Minnesota Statutes 2022, section 325F.072, subdivision 3, is amended to read:

170.2 Subd. 3. **Prohibition of testing and training.** (a) ~~Beginning July 1, 2020, No person,~~
170.3 ~~political subdivision, or state agency shall discharge class B firefighting foam that contains~~
170.4 ~~intentionally added manufacture or knowingly sell, offer for sale, distribute for sale, or~~
170.5 ~~distribute for use in this state, and no person shall use in this state, class B firefighting foam~~
170.6 containing PFAS chemicals.

130.10 (b) This section does not apply to covered products containing lead or cadmium, or both,
130.11 when regulation is preempted by federal law.

130.12 Subd. 3. **Enforcement.** The commissioners of the Pollution Control Agency, commerce,
130.13 and health may coordinate to enforce this section. The commissioner of the Pollution Control
130.14 Agency or commerce may, with the attorney general, enforce any federal restrictions on
130.15 the sale of products containing lead or cadmium, or both, as allowed under federal law. The
130.16 commissioner of the Pollution Control Agency may enforce this section under sections
130.17 115.071 and 116.072. The commissioner of commerce may enforce this section under
130.18 sections 45.027, subdivisions 1 to 6; 325F.10 to 325F.12; and 325F.14 to 325F.16. The
130.19 attorney general may enforce this section under section 8.31.

130.20 Sec. 66. Minnesota Statutes 2022, section 325F.072, subdivision 1, is amended to read:

130.21 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
130.22 the meanings given.

130.23 (b) "Class B firefighting foam" means foam designed ~~for flammable liquid fires to~~
130.24 ~~prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases,~~
130.25 tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.

130.26 (c) "PFAS chemicals" or "perfluoroalkyl and polyfluoroalkyl substances" means, ~~for~~
130.27 ~~the purposes of firefighting agents, a class of fluorinated organic chemicals containing at~~
130.28 ~~least one fully fluorinated carbon atom and designed to be fully functional in class B~~
130.29 ~~firefighting foam formulations.~~

130.30 (d) "Political subdivision" means a county, city, town, or a metropolitan airports
130.31 commission organized and existing under sections 473.601 to 473.679.

131.1 (e) "State agency" means an agency as defined in section 16B.01, subdivision 2.

131.2 (f) "Testing" means calibration testing, conformance testing, and fixed system testing.

131.3 Sec. 67. Minnesota Statutes 2022, section 325F.072, subdivision 3, is amended to read:

131.4 Subd. 3. **Prohibition of testing and training.** (a) ~~Beginning July 1, 2020, No person,~~
131.5 ~~political subdivision, or state agency shall discharge class B firefighting foam that contains~~
131.6 ~~intentionally added manufacture or knowingly sell, offer for sale, distribute for sale, or~~
131.7 ~~distribute for use in this state, and no person shall use in this state, class B firefighting foam~~
131.8 containing PFAS chemicals.

170.7 (1) for testing purposes, unless the testing facility has implemented appropriate
170.8 containment, treatment, and disposal measures to prevent releases of foam to the environment;
170.9 or

170.10 (2) for training purposes, unless otherwise required by law, and with the condition that
170.11 the training event has implemented appropriate containment, treatment, and disposal measures
170.12 to prevent releases of foam to the environment. For training purposes, class B foam that
170.13 contains intentionally added PFAS chemicals shall not be used.

170.14 (b) This section does not restrict:

170.15 (1) the manufacture, sale, or distribution of class B firefighting foam that contains
170.16 intentionally added PFAS chemicals; or

170.17 (2) the discharge or other use of class B firefighting foams that contain intentionally
170.18 added PFAS chemicals in emergency firefighting or fire prevention operations.

170.19 (b) This subdivision does not apply to the manufacture, sale, distribution, or use of class
170.20 B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,
170.21 including but not limited to Code of Federal Regulations, title 14, section 139.317. If a
170.22 federal requirement to include PFAS chemicals in class B firefighting foam is revoked after
170.23 January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer
170.24 exempt under this paragraph effective one year after the day of revocation.

170.25 (c) This subdivision does not apply to the manufacture, sale, distribution, or use of class
170.26 B firefighting foam for purposes of use at an airport, as defined under section 360.013,
170.27 subdivision 39, until the state fire marshal makes a determination that:

170.28 (1) the Federal Aviation Administration has provided policy guidance on the transition
170.29 to fluorine-free firefighting foam;

170.30 (2) a fluorine-free firefighting foam product is included in the Federal Aviation
170.31 Administration's Qualified Product Database; and

171.1 (3) a firefighting foam product included in the database under clause (2) is commercially
171.2 available in quantities sufficient to reliably meet the requirements under Code of Federal
171.3 Regulations, title 14, part 139.

171.4 (d) Until the state fire marshal makes a determination under paragraph (c), the operator
171.5 of an airport using class B firefighting foam containing PFAS chemicals must, on or before
171.6 December 31 each calendar year, submit a report to the state fire marshal regarding the
171.7 status of the airport's conversion to class B firefighting foam products without intentionally
171.8 added PFAS, the disposal of class B firefighting foam products with intentionally added
171.9 PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

171.10 EFFECTIVE DATE. This section is effective January 1, 2024.

131.9 (1) for testing purposes, unless the testing facility has implemented appropriate
131.10 containment, treatment, and disposal measures to prevent releases of foam to the environment;
131.11 or

131.12 (2) for training purposes, unless otherwise required by law, and with the condition that
131.13 the training event has implemented appropriate containment, treatment, and disposal measures
131.14 to prevent releases of foam to the environment. For training purposes, class B foam that
131.15 contains intentionally added PFAS chemicals shall not be used.

131.16 (b) This section does not restrict:

131.17 (1) the manufacture, sale, or distribution of class B firefighting foam that contains
131.18 intentionally added PFAS chemicals; or

131.19 (2) the discharge or other use of class B firefighting foams that contain intentionally
131.20 added PFAS chemicals in emergency firefighting or fire prevention operations.

131.21 (b) This subdivision does not apply to the manufacture, sale, distribution, or use of class
131.22 B firefighting foam for which the inclusion of PFAS chemicals is required by federal law,
131.23 including but not limited to Code of Federal Regulations, title 14, section 139.317. If a
131.24 federal requirement to include PFAS chemicals in class B firefighting foam is revoked after
131.25 January 1, 2024, class B firefighting foam subject to the revoked requirements is no longer
131.26 exempt under this paragraph effective one year after the day of revocation.

131.27 (c) This subdivision does not apply to the manufacture, sale, distribution, or use of class
131.28 B firefighting foam for purposes of use at an airport, as defined under section 360.013,
131.29 subdivision 39, until the state fire marshal makes a determination that:

131.30 (1) the Federal Aviation Administration has provided policy guidance on the transition
131.31 to fluorine-free firefighting foam;

132.1 (2) a fluorine-free firefighting foam product is included in the Federal Aviation
132.2 Administration's Qualified Product Database; and

132.3 (3) a firefighting foam product included in the database under clause (2) is commercially
132.4 available in quantities sufficient to reliably meet the requirements under Code of Federal
132.5 Regulations, title 14, part 139.

132.6 (d) Until the state fire marshal makes a determination under paragraph (c), the operator
132.7 of an airport using class B firefighting foam containing PFAS chemicals must, on or before
132.8 December 31 each calendar year, submit a report to the state fire marshal regarding the
132.9 status of the airport's conversion to class B firefighting foam products without intentionally
132.10 added PFAS, the disposal of class B firefighting foam products with intentionally added
132.11 PFAS, and an assessment of the factors listed in paragraph (c) as applied to the airport.

132.12 EFFECTIVE DATE. This section is effective January 1, 2024.

171.11 Sec. 37. Minnesota Statutes 2022, section 325F.072, is amended by adding a subdivision
171.12 to read:

171.13 Subd. 3a. **Discharge for testing and training.** A person, political subdivision, or state
171.14 agency exempted from the prohibitions under subdivision 3 may not discharge class B
171.15 firefighting foam that contains intentionally added PFAS chemicals for:

171.16 (1) testing purposes, unless the testing facility has implemented appropriate containment,
171.17 treatment, and disposal measures to prevent releases of foam to the environment; or

171.18 (2) training purposes, unless otherwise required by law, and with the condition that the
171.19 training event has implemented appropriate containment, treatment, and disposal measures
171.20 to prevent releases of foam to the environment.

171.21 **EFFECTIVE DATE.** This section is effective January 1, 2024.

171.22 Sec. 38. **TREATED SEED WASTE DISPOSAL RULEMAKING.**

171.23 The commissioner of the Pollution Control Agency, in consultation with the commissioner
171.24 of agriculture and the University of Minnesota, must adopt rules under Minnesota Statutes,
171.25 chapter 14, providing for the safe and lawful disposal of waste treated seed. The rules must
171.26 clearly identify the regulatory jurisdiction of state agencies and local governments with
171.27 regard to such seed. Additional Department of Agriculture staff will not be hired until
171.28 rulemaking is completed.

171.29 Sec. 39. **AIR TOXICS EMISSIONS; RULEMAKING.**

171.30 Subdivision 1. **Definitions.** For the purposes of this section:

171.31 (1) "agency" means the Minnesota Pollution Control Agency;

172.1 (2) "air toxics" has the meaning given in Minnesota Statutes, section 116.062;

172.2 (3) "commissioner" means the commissioner of the Minnesota Pollution Control Agency;

172.3 (4) "continuous emission monitoring system" has the meaning given in Minnesota Rules,
172.4 part 7017.1002, subpart 4;

172.5 (5) "environmental justice area" means one or more census tracts in Minnesota:

172.6 (i) in which, based on the most recent data published by the United States Census Bureau:

172.7 (A) 40 percent or more of the population is nonwhite;

172.8 (B) 35 percent or more of the households have an income at or below 200 percent of the
172.9 federal poverty level; or

172.10 (C) 40 percent or more of the population over the age of five has limited English
172.11 proficiency; or

132.13 Sec. 68. Minnesota Statutes 2022, section 325F.072, is amended by adding a subdivision
132.14 to read:

132.15 Subd. 3a. **Discharge for testing and training.** A person, political subdivision, or state
132.16 agency exempted from the prohibitions under subdivision 3 may not discharge class B
132.17 firefighting foam that contains intentionally added PFAS chemicals for:

132.18 (1) testing purposes, unless the testing facility has implemented appropriate containment,
132.19 treatment, and disposal measures to prevent releases of foam to the environment; or

132.20 (2) training purposes, unless otherwise required by law, and with the condition that the
132.21 training event has implemented appropriate containment, treatment, and disposal measures
132.22 to prevent releases of foam to the environment.

132.23 **EFFECTIVE DATE.** This section is effective January 1, 2024.

172.12 (ii) located within Indian Country, as defined in United States Code, title 18, section
172.13 1151;

172.14 (6) "performance test" has the meaning given in Minnesota Rules, part 7017.2005,
172.15 subpart 4; and

172.16 (7) "volatile organic compound" has the meaning given in Minnesota Rules, part
172.17 7005.0100, subpart 45.

172.18 Subd. 2. **Application.** This section applies to facilities that emit air toxics and are located
172.19 in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

172.20 Subd. 3. **Rulemaking required.** The commissioner shall adopt rules under Minnesota
172.21 Statutes, chapter 14, to implement and govern regulation of facilities that emit air toxics.
172.22 Notwithstanding Minnesota Statutes, section 14.125, the agency must publish notice of
172.23 intent to adopt rules within 36 months of the effective date of this act, or the authority for
172.24 the rules expires.

172.25 Subd. 4. **Content of rules.** (a) The rules required under subdivision 3 must address, at
172.26 a minimum:

172.27 (1) specific air toxics to be regulated, including, at a minimum, those defined in
172.28 subdivision 1;

172.29 (2) types of facilities to be regulated, including, at a minimum, facilities that have been
172.30 issued an air quality permit by the commissioner, other than an Option B registration permit
172.31 under Minnesota Rules, part 7007.1120, and that:

173.1 (i) emit air toxics, whether the emissions are limited in a permit or not; or

173.2 (ii) purchase or use material containing volatile organic compounds;

173.3 (3) performance tests conducted by facilities to measure the volume of air toxics emissions
173.4 and testing methods, procedures, protocols, and frequency;

173.5 (4) required monitoring of air emissions, including using continuous emission monitoring
173.6 systems for certain facilities, and monitoring of production inputs or other production
173.7 parameters;

173.8 (5) requirements for reporting information to the agency to assist the agency in
173.9 determining the amount of the facility's air toxics emissions and the facility's compliance
173.10 with emission limits in the facility's permit;

173.11 (6) record keeping related to air toxics emissions; and

173.12 (7) frequency of facility inspections and inspection activities that provide information
173.13 about air toxics emissions.

173.14 (b) In developing the rules, the commissioner must establish testing, monitoring,
173.15 reporting, record-keeping, and inspection requirements for facilities that reflect:

173.16 (1) the different risks to human health and the environment posed by the specific air
173.17 toxics and amounts emitted by a facility, such that facilities posing greater risks are required
173.18 to provide more frequent evidence of permit compliance, including but not limited to
173.19 performance tests, agency inspections, and reporting;

173.20 (2) the facility's record of compliance with air toxics emission limits and other permit
173.21 conditions; and

173.22 (3) any exposure of residents of an environmental justice area to the facility's air toxics
173.23 emissions.

173.24 Subd. 5. **Modifying permits.** Within three years after adopting the rules required in
173.25 subdivision 3, the commissioner must amend existing air quality permits, including but not
173.26 limited to federal permits, individual state total facility permits, and capped emission permits,
173.27 as necessary to conform with the rules.

173.28 Subd. 6. **Rulemaking cost.** The commissioner must collect the agency's costs to develop
173.29 the rulemaking required under this section and to conduct regulatory activities, including
173.30 but not limited to monitoring, inspection, and data collection and maintenance, required as
173.31 a result of the rulemaking through the annual fee paid by owners or operators of facilities
174.1 required to obtain air quality permits from the agency, as required under Minnesota Statutes,
174.2 section 116.07, subdivision 4d, paragraph (b).

174.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

174.4 Sec. 40. **POSITION ESTABLISHED; POLLUTION CONTROL AGENCY.**

174.5 The commissioner of the Pollution Control Agency must establish a new full-time
174.6 equivalent position of community liaison, funded through air quality permit fees, as specified
174.7 in Minnesota Statutes, section 116.07, subdivision 4d, to conduct the administrative tasks
174.8 necessary to successfully implement the nonexpiring permit public meeting requirements
174.9 under Minnesota Statutes, section 116.07, subdivision 4m, and other regulatory activities
174.10 requiring interaction between the agency and residents in communities exposed to air
174.11 pollutants emitted by facilities permitted by the agency.

174.12 Sec. 41. **COMMUNITY AIR-MONITORING SYSTEMS; PILOT GRANT**
174.13 **PROGRAM.**

174.14 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision
174.15 have the meanings given.

174.16 (b) "Agency" means the Minnesota Pollution Control Agency.

174.17 (c) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

174.18 (d) "Community air-monitoring system" means a system of devices monitoring ambient
174.19 air quality at many locations within a small geographic area that is subject to air pollution
174.20 from a variety of stationary and mobile sources in order to obtain frequent measurements
174.21 of pollution levels, to detect differences in exposure to pollution over distances no larger
174.22 than a city block, and to identify areas where pollution levels are inordinately elevated.

174.23 (e) "Environmental justice area" means one or more census tracts in Minnesota:

174.24 (1) in which, based on the most recent data published by the United States Census Bureau:

174.25 (i) 40 percent or more of the population is nonwhite;

174.26 (ii) 35 percent or more of the households have an income at or below 200 percent of the
174.27 federal poverty level; or

174.28 (iii) 40 percent or more of the population over the age of five has limited English
174.29 proficiency; or

174.30 (2) located within Indian Country, as defined in United State Code, title 18, section 1151.

175.1 (f) "Nonprofit organization" means an organization that is exempt from taxation under
175.2 section 501(c)(3) of the Internal Revenue Code.

175.3 Subd. 2. **Establishing program.** A pilot grant program for community air-monitoring
175.4 systems is established in the agency to measure air pollution levels at many locations within
175.5 an environmental justice area in Minneapolis.

175.6 Subd. 3. **Eligible applicants.** Grants under this section may be awarded to applicants
175.7 consisting of a partnership between a nonprofit organization located in or working with
175.8 residents located in an environmental justice area in which the community air-monitoring
175.9 system is to be deployed and an entity that has experience deploying, operating, and
175.10 interpreting data from air-monitoring systems.

175.11 Subd. 4. **Eligible projects.** Grants may be awarded under this section to applicants
175.12 whose proposals:

175.13 (1) use a variety of air-monitoring technologies approved for use by the commissioner,
175.14 including but not limited to stationary monitors, sensor-based handheld devices, and mobile
175.15 devices that can be attached to vehicles or drones to measure air pollution levels;

175.16 (2) obtain data at fixed locations and from handheld monitoring devices that are carried
175.17 by residents of the community on designated walking routes in the targeted community and
175.18 that can provide high-frequency measurements;

175.19 (3) use the monitoring data to generate maps of pollution levels throughout the monitored
175.20 area; and

175.21 (4) provide monitoring data to the agency to help inform:

175.22 (i) agency decisions, including placement of the agency's stationary air monitors and
175.23 the development of programs to reduce air emissions that impact environmental justice
175.24 areas; and

175.25 (ii) decisions by other governmental bodies regarding transportation or land use planning.

175.26 Subd. 5. **Eligible expenditures.** Grants may be used only for:

175.27 (1) planning the configuration and deployment of the community air-monitoring system;

175.28 (2) purchasing and installing air-monitoring devices as part of the community
175.29 air-monitoring system;

175.30 (3) training and paying persons to operate stationary, handheld, and mobile devices to
175.31 measure air pollution;

176.1 (4) developing data and mapping systems to analyze, organize, and present the
176.2 air-monitoring data collected; and

176.3 (5) writing a final report on the project, as required under subdivision 9.

176.4 Subd. 6. **Application and grant award process.** An eligible applicant must submit an
176.5 application to the commissioner on a form prescribed by the commissioner. The
176.6 commissioner must develop administrative procedures governing the application and grant
176.7 award process. The commissioner must act as fiscal agent for the grant program and is
176.8 responsible for receiving and reviewing grant applications and awarding grants under this
176.9 section.

176.10 Subd. 7. **Grant awards; priorities.** In awarding grants under this section, the
176.11 commissioner must give priority to proposed projects that:

176.12 (1) take place in areas with high rates of illness associated with exposure to air pollution,
176.13 including asthma, chronic obstructive pulmonary disease, heart disease, chronic bronchitis,
176.14 and cancer;

176.15 (2) promote public access to and transparency of air-monitoring data developed through
176.16 the project; and

176.17 (3) conduct outreach activities to promote community awareness of and engagement
176.18 with the project.

176.19 Subd. 8. **Report to agency.** No later than 90 days after a project ends, a grantee must
176.20 submit a written report to the commissioner describing the project's findings and results
176.21 and any recommendations for agency actions, programs, or activities to reduce levels of air
176.22 pollution measured by the community air-monitoring system. The grantee must also submit
176.23 to the commissioner all air-monitoring data developed by the project.

176.24 Subd. 9. **Report to legislature.** No later than March 15, 2025, the commissioner must
176.25 submit a report to the chairs and ranking minority members of the legislative committees

176.26 with primary jurisdiction over environment policy and finance on the results of the grant
176.27 program, including:

176.28 (1) any changes in the agency's air-monitoring network that will occur as a result of data
176.29 developed under the program;

176.30 (2) any actions the agency has taken or proposes to take to reduce levels of pollution
176.31 that impact the environmental justice areas that received grants under the program; and

177.1 (3) any recommendations for legislation, including whether the program should be
177.2 extended or expanded.

177.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

177.4 Sec. 42. **PETROLEUM TANK RELEASE CLEANUP; REPORT.**

177.5 The commissioner of the Pollution Control Agency must perform the duties under clauses
177.6 (1) to (5) with respect to the petroleum tank release cleanup program governed by Minnesota
177.7 Statutes, chapter 115C, and must, no later than January 15, 2025, report the results to the
177.8 chairs and ranking minority members of the senate and house of representatives committees
177.9 with primary jurisdiction over environment policy and finance. The report must include any
177.10 recommendations for legislation. The commissioner must:

177.11 (1) explicitly define the conditions that must be present in order for the commissioner
177.12 to classify a site as posing a low potential risk to public health and the environment and
177.13 ensure that all agency staff use the definition in assessing potential risks. In determining
177.14 the conditions that indicate that a site poses a low risk, the commissioner must consider
177.15 relevant site conditions, including but not limited to the nature of groundwater flow, soil
177.16 type, and proximity of features at or near the site that could potentially become contaminated;

177.17 (2) develop guidelines to incorporate consideration of potential future uses of a
177.18 contaminated property into all agency staff decisions regarding site remediation;

177.19 (3) develop scientifically based and measurable technical standards that allow the quality
177.20 of the agency's performance in remediating petroleum-contaminated properties to be
177.21 evaluated and conduct such evaluations periodically;

177.22 (4) in collaboration with the Petroleum Tank Release Compensation Board and the
177.23 commissioner of commerce, examine whether and how to establish technical qualifications
177.24 for consultants hired to remediate petroleum-contaminated properties as a strategy to improve
177.25 the quality of remediation work and how agencies can share information on consultant
177.26 performance; and

177.27 (5) in collaboration with the commissioner of commerce, make consultants who remediate
177.28 petroleum-contaminated sites more accountable for the quality of their work by:

177.29 (i) requiring a thorough evaluation of the past performance of a contractor being
177.30 considered for hire;

177.31 (ii) developing a formal system of measures and procedures by which to evaluate the
177.32 work; and

178.1 (iii) sharing evaluations with the commissioner of commerce and with responsible parties.

178.2 **EFFECTIVE DATE.** This section is effective the day following final enactment.

178.3 Sec. 43. **MANURE STORAGE AREA REPORTS REQUIRED.**

178.4 Subdivision 1. **Reports.** (a) No later than December 15, 2023, the commissioner of the
178.5 Pollution Control Agency must develop a list based on registration data for each county of
178.6 potentially abandoned manure storage areas.

178.7 (b) No later than January 15, 2025, each delegated county must report to the commissioner
178.8 of the Pollution Control Agency a list of abandoned manure storage areas located in the
178.9 county. The report must be submitted by the county feedlot officer.

178.10 (c) No later than January 15, 2025, the Pollution Control Agency regional feedlot staff
178.11 must compile a list of abandoned manure storage areas located in counties under their
178.12 regulatory jurisdiction that do not have delegation agreements with the agency.

178.13 (d) No later than February 15, 2025, the commissioner of the Pollution Control Agency
178.14 must submit a compilation report and list of abandoned manure storage areas to the legislative
178.15 committees with jurisdiction over agriculture and environment. The report must include
178.16 recommendations for remediation. The commissioner must seek advice from the Minnesota
178.17 Association of County Feedlot Officers and livestock associations for recommendations,
178.18 including existing and any proposed options for remediation.

178.19 (e) For purposes of this section, "abandoned manure storage areas" has the meaning
178.20 given in Minnesota Statutes, section 116.07, subdivision 7f.

178.21 (f) Reports and lists required under this section are not feedlot inventories for purposes
178.22 of Minnesota Statutes, section 116.07, subdivision 7b.

178.23 Subd. 2. **Delegated counties.** (a) Except as provided in paragraph (b), during the 2023
178.24 and 2024 delegation years, the commissioner of the Pollution Control Agency must not
178.25 penalize a delegated county for a performance issue or shortcoming attributable to the
178.26 county's reassignment of county feedlot officer resources necessary to comply with the
178.27 additional requirements imposed upon the county under subdivision 1.

178.28 (b) The commissioner may penalize a county during the 2023 or 2024 delegation year
178.29 for a performance issue or shortcoming attributable to the county's reassignment of county
178.30 feedlot officer resources only if the specific penalty is approved by a majority of the board
178.31 of the Minnesota Association of County Feedlot Officers.

179.1 Sec. 44. **PFAS MANUFACTURERS FEE WORK GROUP.**

179.2 The commissioner of the Pollution Control Agency, in cooperation with the
179.3 commissioners of revenue and management and budget, must establish a work group to
179.4 review options for collecting a fee from manufacturers of PFAS in the state. By February
179.5 15, 2024, the commissioner must submit a report to the chairs and ranking minority members
179.6 of the legislative committees and divisions with jurisdiction over environment and natural
179.7 resources with recommendations.

179.8 Sec. 45. **TEMPORARY EXEMPTION FOR TERMINALS AND OIL REFINERIES.**

179.9 Subdivision 1. **Temporary exemption.** Minnesota Statutes, section 325F.072, subdivision
179.10 3, does not apply to the manufacture, sale, distribution, or use of class B firefighting foam
179.11 for the purposes of use at a terminal or oil refinery until January 1, 2026.

179.12 Subd. 2. **Extension; waiver.** (a) A person who operates a terminal or oil refinery may
179.13 apply to the state fire marshal for a waiver to extend the exemption under subdivision 1
179.14 beyond January 1, 2026, as provided in this subdivision.

179.15 (b) The state fire marshal may grant a waiver to extend the exemption under subdivision
179.16 1 for a specific use if the applicant provides all of the following:

179.17 (1) clear and convincing evidence that there is no commercially available replacement
179.18 that does not contain intentionally added PFAS chemicals and that is capable of suppressing
179.19 fire for that specific use;

179.20 (2) information on the amount of firefighting foam containing intentionally added PFAS
179.21 chemicals stored, used, or released on-site on an annual basis;

179.22 (3) a detailed plan, with timelines, for the operator of the terminal or oil refinery to
179.23 transition to firefighting foam that does not contain intentionally added PFAS chemicals
179.24 for that specific use; and

179.25 (4) a plan for meeting the requirements under subdivision 3.

179.26 (c) The state fire marshal must ensure there is an opportunity for public comment during
179.27 the waiver process. The state fire marshal must consider both information provided by the
179.28 applicant and information provided through public comment when making a decision on
179.29 whether to grant a waiver. The term of a waiver must not exceed two years. The state fire
179.30 marshal must not grant a waiver for a specific use if any other terminal or oil refinery is
179.31 known to have transitioned to commercially available class B firefighting foam that does
179.32 not contain intentionally added PFAS chemicals for that specific use. All waivers must
180.1 expire by January 1, 2028. A person that anticipates applying for a waiver for a terminal or
180.2 oil refinery must submit a notice of intent to the state fire marshal by January 1, 2025, in
180.3 order to be considered for a waiver beyond January 1, 2026. The state fire marshal must
180.4 notify the waiver applicant of a decision within six months of the waiver submission date.

134.28 Sec. 72. **TEMPORARY EXEMPTION FOR TERMINALS AND OIL REFINERIES.**

134.29 Subdivision 1. **Temporary exemption.** Minnesota Statutes, section 325F.072, subdivision
134.30 3, does not apply to the manufacture, sale, distribution, or use of class B firefighting foam
134.31 for the purposes of use at a terminal or oil refinery until January 1, 2026.

135.1 Subd. 2. **Extension; waiver.** (a) A person who operates a terminal or oil refinery may
135.2 apply to the state fire marshal for a waiver to extend the exemption under subdivision 1
135.3 beyond January 1, 2026, as provided in this subdivision.

135.4 (b) The state fire marshal may grant a waiver to extend the exemption under subdivision
135.5 1 for a specific use if the applicant provides all of the following:

135.6 (1) clear and convincing evidence that there is no commercially available replacement
135.7 that does not contain intentionally added PFAS chemicals and that is capable of suppressing
135.8 fire for that specific use;

135.9 (2) information on the amount of firefighting foam containing intentionally added PFAS
135.10 chemicals stored, used, or released on-site on an annual basis;

135.11 (3) a detailed plan, with timelines, for the operator of the terminal or oil refinery to
135.12 transition to firefighting foam that does not contain intentionally added PFAS chemicals
135.13 for that specific use; and

135.14 (4) a plan for meeting the requirements under subdivision 3.

135.15 (c) The state fire marshal must ensure there is an opportunity for public comment during
135.16 the waiver process. The state fire marshal must consider both information provided by the
135.17 applicant and information provided through public comment when making a decision on
135.18 whether to grant a waiver. The term of a waiver must not exceed two years. The state fire
135.19 marshal must not grant a waiver for a specific use if any other terminal or oil refinery is
135.20 known to have transitioned to commercially available class B firefighting foam that does
135.21 not contain intentionally added PFAS chemicals for that specific use. All waivers must
135.22 expire by January 1, 2028. A person that anticipates applying for a waiver for a terminal or
135.23 oil refinery must submit a notice of intent to the state fire marshal by January 1, 2025, in
135.24 order to be considered for a waiver beyond January 1, 2026. The state fire marshal must
135.25 notify the waiver applicant of a decision within six months of the waiver submission date.

180.5 (d) The state fire marshal must provide an applicant for a waiver under this subdivision
180.6 an opportunity to:

180.7 (1) correct deficiencies when applying for a waiver; and

180.8 (2) provide evidence to dispute a determination that another terminal or oil refinery is
180.9 known to have transitioned to commercially available class B firefighting foam that does
180.10 not contain intentionally added PFAS chemicals for that specific use, including evidence
180.11 that the specific use is different.

180.12 Subd. 3. **Use requirements.** (a) A person that uses class B firefighting foam containing
180.13 intentionally added PFAS chemicals under this section must:

180.14 (1) implement tactics that have been demonstrated to prevent release directly to the
180.15 environment, such as to unsealed ground, soakage pits, waterways, or uncontrolled drains;

180.16 (2) attempt to fully contain all firefighting foams with PFAS on-site using demonstrated
180.17 practices designed to contain all PFAS releases;

180.18 (3) implement containment measures such as bunds and ponds that are controlled, are
180.19 impervious to PFAS chemicals, and do not allow fire water, wastewater, runoff, and other
180.20 wastes to be released to the environment, such as to soils, groundwater, waterways, or
180.21 stormwater; and

180.22 (4) dispose of all fire water, wastewater, runoff, impacted soils, and other wastes in a
180.23 way that prevents releases to the environment.

180.24 (b) A terminal or oil refinery that has received a waiver under this section may provide
180.25 and use class B firefighting foam containing intentionally added PFAS chemicals in the
180.26 form of mutual aid to another terminal or oil refinery at the request of authorities only if
180.27 the other terminal or oil refinery also has a waiver.

180.28 **EFFECTIVE DATE.** This section is effective January 1, 2024.

180.29 Sec. 46. **FIREFIGHTER TURNOUT GEAR; REPORT.**

180.30 (a) The commissioner of the Pollution Control Agency, in cooperation with the
180.31 commissioner of health, must submit a report to the chairs and ranking minority members
180.32 of the legislative committees and divisions with jurisdiction over environment and natural
181.1 resources regarding perfluoroalkyl and polyfluoroalkyl substances (PFAS) in turnout gear
181.2 by January 15, 2024. The report must include:

181.3 (1) current turnout gear requirements and options for eliminating or reducing PFAS in
181.4 turnout gear;

181.5 (2) current turnout gear disposal methods and recommendations for future disposal to
181.6 prevent PFAS contamination; and

135.26 (d) The state fire marshal must provide an applicant for a waiver under this subdivision
135.27 an opportunity to:

135.28 (1) correct deficiencies when applying for a waiver; and

135.29 (2) provide evidence to dispute a determination that another terminal or oil refinery is
135.30 known to have transitioned to commercially available class B firefighting foam that does
135.31 not contain intentionally added PFAS chemicals for that specific use, including evidence
135.32 that the specific use is different.

136.1 Subd. 3. **Use requirements.** (a) A person that uses class B firefighting foam containing
136.2 intentionally added PFAS chemicals under this section must:

136.3 (1) implement tactics that have been demonstrated to prevent release directly to the
136.4 environment, such as to unsealed ground, soakage pits, waterways, or uncontrolled drains;

136.5 (2) attempt to fully contain all firefighting foams with PFAS on-site using demonstrated
136.6 practices designed to contain all PFAS releases;

136.7 (3) implement containment measures such as bunds and ponds that are controlled, are
136.8 impervious to PFAS chemicals, and do not allow fire water, wastewater, runoff, and other
136.9 wastes to be released to the environment, such as to soils, groundwater, waterways, or
136.10 stormwater; and

136.11 (4) dispose of all fire water, wastewater, runoff, impacted soils, and other wastes in a
136.12 way that prevents releases to the environment.

136.13 (b) A terminal or oil refinery that has received a waiver under this section may provide
136.14 and use class B firefighting foam containing intentionally added PFAS chemicals in the
136.15 form of mutual aid to another terminal or oil refinery at the request of authorities only if
136.16 the other terminal or oil refinery also has a waiver.

136.17 **EFFECTIVE DATE.** This section is effective January 1, 2024.

- 181.7 (3) recommendations and protocols for PFAS biomonitoring in firefighters, including
181.8 a process for allowing firefighters to voluntarily register for biomonitoring.
- 181.9 (b) For the purposes of this section, "turnout gear" is the personal protective equipment
181.10 (PPE) used by firefighters.
- 181.11 Sec. 47. **PFAS WATER QUALITY STANDARDS.**
- 181.12 (a) The commissioner of the Pollution Control Agency must adopt rules establishing
181.13 water quality standards for:
- 181.14 (1) perfluorooctanoic acid (PFOA);
- 181.15 (2) perfluorooctane sulfonic acid (PFOS);
- 181.16 (3) perfluorononanoic acid (PFNA);
- 181.17 (4) hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX
181.18 chemicals);
- 181.19 (5) perfluorohexane sulfonic acid (PFHxS); and
- 181.20 (6) perfluorobutane sulfonic acid (PFBS).
- 181.21 (b) The commissioner must adopt the rules establishing the water quality standards
181.22 required under this section by July 1, 2026, and Minnesota Statutes, section 14.125, does
181.23 not apply.
- 181.24 Sec. 48. **HEALTH RISK LIMIT; PERFLUOROOCTANE SULFONATE.**
- 181.25 By July 1, 2025, the commissioner of health must amend the health risk limit for
181.26 perfluorooctane sulfonate (PFOS) in Minnesota Rules, part 4717.7860, subpart 15, so that
181.27 the health risk limit does not exceed 0.015 parts per billion. In amending the health risk
181.28 limit for PFOS, the commissioner must comply with Minnesota Statutes, section 144.0751,
181.29 requiring a reasonable margin of safety to adequately protect the health of infants, children,
181.30 and adults.
- 182.1 Sec. 49. **PATH TO ZERO WASTE; REPORT.**
- 182.2 (a) By July 15, 2025, the commissioner of the Pollution Control Agency must conduct
182.3 a study and prepare a report that includes a pathway to achieve zero waste and submit the
182.4 report to the chairs and ranking minority members of the senate and house of representatives
182.5 committees with jurisdiction over environmental policy and finance and energy policy.
- 182.6 (b) The commissioner must seek outside technical support from certified zero-waste
182.7 experts to conduct the study and prepare the report. The report must abide by the
182.8 internationally peer-reviewed definition of zero waste and the zero-waste hierarchy as
182.9 codified by the Zero Waste International Alliance, and include:

182.10 (1) an overview of how municipal solid waste is currently managed;
182.11 (2) a summary of infrastructure, programs, and resources needed to reach zero waste
182.12 over a 2021 baseline by 2045 or sooner;
182.13 (3) an analysis that outlines the impact of different strategies to achieve zero waste;
182.14 (4) strategic policy initiatives that will be required to manage waste at the top of the
182.15 zero-waste hierarchy, as the state strives to achieve zero waste;
182.16 (5) a discussion of the feasibility, assumptions, and projected time frame for achieving
182.17 zero waste if proposed policies are implemented and necessary investments are made,
182.18 including the projected need for land disposal capacity based on the estimated growth in
182.19 waste generation and the practicable ability of existing technologies to reduce waste to avoid
182.20 disposal;
182.21 (6) recommendations for reducing the environmental and human health impacts of waste
182.22 disposal during the transition to zero waste, especially across environmental justice areas;
182.23 (7) a life cycle analysis comparing incineration and landfilling ash, direct use of
182.24 landfilling, and zero-waste implementation. This analysis must include, at a minimum, the
182.25 impacts of greenhouse gas emissions; toxic chemical pollutants, including cancer and
182.26 noncancer effects; particulate matter emissions; and smog formation from emissions of
182.27 nitrogen oxides and volatile organic compounds and their impacts on asthma and respiratory
182.28 health. The analysis must present the results so that the global warming and other health
182.29 and environmental impacts can be evaluated side-by-side using the same units, such as a
182.30 monetized social and environmental harm indicator. A separate environmental justice
182.31 analysis must be conducted, analyzing the demographics around any existing and proposed
182.32 waste disposal facilities. Using the best available data, the report must evaluate the costs of
182.33 each option and the impacts on local job support; and
183.1 (8) the role of nonburn alternatives in the destruction of problem materials such as
183.2 invasive species, pharmaceuticals, and perfluoroalkyl and polyfluoroalkyl substances.
183.3 (c) The commissioner must obtain input from counties and cities inside and outside the
183.4 seven-county metropolitan area, recycling and composting facilities, waste haulers,
183.5 environmental organizations, Tribal representatives, and other interested parties in preparing
183.6 the report. The development of the report must include stakeholder input from diverse
183.7 communities located in environmental justice areas that contain a waste facility. The
183.8 commissioner must provide for an open public comment period of at least 60 days on the
183.9 draft report. Written public comments and any commissioner responses must be included
183.10 in the final report.
183.11 **Sec. 50. REPORT REQUIRED; RECYCLING AND REUSING SOLAR**
183.12 **PHOTOVOLTAIC MODULES AND INSTALLATION COMPONENTS.**
183.13 (a) The commissioner of the Pollution Control Agency, in consultation with the
183.14 commissioners of commerce and employment and economic development, must coordinate

133.16 **Sec. 70. REPORT REQUIRED; RECYCLING AND REUSING SOLAR**
133.17 **PHOTOVOLTAIC MODULES AND INSTALLATION COMPONENTS.**

133.18 (a) The commissioner of the Pollution Control Agency, in consultation with the
133.19 commissioners of commerce and employment and economic development, must coordinate

183.15 preparation of a report on developing a statewide system to reuse and recycle solar
183.16 photovoltaic modules and installation components in the state.

183.17 (b) The report must include options for a system to collect, reuse, and recycle solar
183.18 photovoltaic modules and installation components at end of life. Any system option included
183.19 in the report must be convenient and accessible throughout the state, recover 100 percent
183.20 of discarded components, and maximize value and materials recovery. Any system option
183.21 developed must include analysis of:

183.22 (1) the reuse and recycling values of solar photovoltaic modules, installation components,
183.23 and recovered materials;

183.24 (2) system infrastructure and technology needs;

183.25 (3) how to maximize in-state employment and economic development;

183.26 (4) net costs for the program; and

183.27 (5) potential benefits and negative impacts of the plan on environmental justice and
183.28 Tribal communities.

183.29 (c) The report must include a survey of solar photovoltaic modules and installation
183.30 components that are currently coming out of service and those projected to come out of
183.31 service in the future in Minnesota. The report must include a description of how solar
183.32 photovoltaic modules and installation components are currently being managed at end of
184.1 life and how they would likely be managed in the future without the proposed reuse and
184.2 recycling system.

184.3 (d) After completing the report, the commissioner must convene a working group to
184.4 advise on developing policy recommendations for a statewide system to manage solar
184.5 photovoltaic modules and installation components. The working group must include, but
184.6 is not limited to:

184.7 (1) the commissioners of commerce and employment and economic development or
184.8 their designees;

184.9 (2) representatives of the solar industry and electric utilities;

184.10 (3) representatives of state, local, and Tribal governments; and

184.11 (4) other relevant stakeholders.

184.12 (e) By January 15, 2025, the commissioner must submit the report and the policy
184.13 recommendations developed under this section to the chairs and ranking minority members
184.14 of the legislative committees and divisions with jurisdiction over environment and natural
184.15 resources policy and finance and energy policy and finance.

133.20 preparation of a report on developing a statewide system to reuse and recycle solar
133.21 photovoltaic modules and installation components in the state.

133.22 (b) The report must include options for a system to collect, reuse, and recycle solar
133.23 photovoltaic modules and installation components at end of life. Any system option included
133.24 in the report must be convenient and accessible throughout the state, recover 100 percent
133.25 of discarded components, and maximize value and materials recovery. Any system option
133.26 developed must include analysis of:

133.27 (1) the reuse and recycling values of solar photovoltaic modules, installation components,
133.28 and recovered materials;

133.29 (2) system infrastructure and technology needs;

133.30 (3) how to maximize in-state employment and economic development;

133.31 (4) net costs for the program; and

134.1 (5) potential benefits and negative impacts of the plan on environmental justice and
134.2 Tribal communities.

134.3 (c) The report must include a survey of solar photovoltaic modules and installation
134.4 components that are currently coming out of service and those projected to come out of
134.5 service in the future in Minnesota. The report must include a description of how solar
134.6 photovoltaic modules and installation components are currently being managed at end of
134.7 life and how they would likely be managed in the future without the proposed reuse and
134.8 recycling system.

134.9 (d) After completing the report, the commissioner must convene a working group to
134.10 advise on developing policy recommendations for a statewide system to manage solar
134.11 photovoltaic modules and installation components. The working group must include but is
134.12 not limited to:

134.13 (1) the commissioners of commerce and employment and economic development or
134.14 their designees;

134.15 (2) representatives of the solar industry and electric utilities;

134.16 (3) representatives of state, local, and Tribal governments; and

134.17 (4) other relevant stakeholders.

134.18 (e) By January 15, 2025, the commissioner must submit the report and the policy
134.19 recommendations developed under this section to the chairs and ranking minority members
134.20 of the legislative committees and divisions with jurisdiction over environment and natural
134.21 resources policy and finance and energy policy and finance.

184.16 Sec. 51. **REVISOR INSTRUCTION.**

184.17 The revisor of statutes must change the term "master plan" or similar term to "plan"
184.18 wherever the term appears in Minnesota Statutes, sections 473.803 to 473.8441. The revisor
184.19 may make grammatical changes related to the term change.

184.20 Sec. 52. **REPEALER.**

184.21 Minnesota Statutes 2022, sections 115.44, subdivision 9; 116.011; 325E.389; and
184.22 325E.3891, are repealed.

184.23 **ARTICLE 4**

184.24 **NATURAL RESOURCES**

138.1 Sec. 78. **REPEALER.**

138.2 (a) Minnesota Statutes 2022, sections 103C.501, subdivisions 2 and 3; 115.44, subdivision
138.3 9; 116.011; 325E.389; and 325E.3891, are repealed.

S2904-2

1.22 Section 1. **[11A.236] ACCOUNT TO INVEST FINANCIAL ASSURANCE MONEY**
1.23 **FROM PERMITS TO MINE.**

1.24 Subdivision 1. **Establishment; appropriation.** (a) The State Board of Investment, when
1.25 requested by the commissioner of natural resources, may invest money collected by the
1.26 commissioner as part of financial assurance provided under a permit to mine issued under
1.27 chapter 93. The State Board of Investment may establish one or more accounts into which
1.28 money may be deposited for the purposes of this section, subject to the policies and
1.29 procedures of the State Board of Investment. Use of any money in the account is restricted
1.30 to the financial assurance purposes identified in sections 93.46 to 93.51 and rules adopted
2.1 thereunder and as authorized under any trust fund agreement or other conditions established
2.2 under a permit to mine.

2.3 (b) Money in an account established under paragraph (a) is appropriated to the
2.4 commissioner for the purposes for which the account is established under this section.

2.5 Subd. 2. **Account maintenance and investment.** (a) The commissioner of natural
2.6 resources may deposit money in the appropriate account and may withdraw money from
2.7 the appropriate account for the financial assurance purposes identified in sections 93.46 to
2.8 93.51 and rules adopted thereunder and as authorized under any trust fund agreement or
2.9 other conditions established under the permit to mine for which the financial assurance is
2.10 provided, subject to the policies and procedures of the State Board of Investment.

2.11 (b) Investment strategies related to an account established under this section must be
2.12 determined jointly by the commissioner of natural resources and the executive director of
2.13 the State Board of Investment. The authorized investments for an account are the investments
2.14 authorized under section 11A.24 that are made available for investment by the State Board
2.15 of Investment.

184.25 Section 1. Minnesota Statutes 2022, section 16A.152, subdivision 2, is amended to read:

184.26 Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general fund
184.27 revenues and expenditures, the commissioner of management and budget determines that
184.28 there will be a positive unrestricted budgetary general fund balance at the close of the
184.29 biennium, the commissioner of management and budget must allocate money to the following
184.30 accounts and purposes in priority order:

185.1 (1) the cash flow account established in subdivision 1 until that account reaches
185.2 \$350,000,000;

185.3 (2) the budget reserve account established in subdivision 1a until that account reaches
185.4 \$2,377,399,000;

185.5 (3) the amount necessary to increase the aid payment schedule for school district aids
185.6 and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest
185.7 tenth of a percent without exceeding the amount available and with any remaining funds
185.8 deposited in the budget reserve;

185.9 (4) the amount necessary to restore all or a portion of the net aid reductions under section
185.10 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75,
185.11 subdivision 5, by the same amount;

185.12 (5) the amount necessary to increase the Minnesota 21st century fund by not more than
185.13 the difference between \$5,000,000 and the sum of the amounts credited and canceled to it
185.14 in the previous 12 months under Laws 2020, chapter 71, article 1, section 11, until the sum
185.15 of all transfers under this section and all amounts credited or canceled under Laws 2020,
185.16 chapter 71, article 1, section 11, equals \$20,000,000; and

185.17 (6) the amount necessary to compensate the permanent school fund for lands in the
185.18 Lowland Conifer Carbon Reserve as required under section 88.85, subdivision 9; and

185.19 ~~(6)~~ (7) for a forecast in November only, the amount remaining after the transfer under
185.20 clause (5) must be used to reduce the percentage of accelerated June liability sales tax
185.21 payments required under section 289A.20, subdivision 4, paragraph (b), until the percentage
185.22 equals zero, rounded to the nearest tenth of a percent. By March 15 following the November
185.23 forecast, the commissioner must provide the commissioner of revenue with the percentage

2.16 (c) Investment transactions must be at a time and in a manner determined by the executive
2.17 director of the State Board of Investment. Decisions to withdraw money from the account
2.18 must be determined by the commissioner of natural resources, subject to the policies and
2.19 procedures of the State Board of Investment. Investment earnings must be credited to the
2.20 appropriate account for financial assurance under the identified permit to mine.

2.21 (d) An account may be terminated by the commissioner of natural resources at any time,
2.22 so long as the termination is in accordance with applicable statutes and rules and any trust
2.23 fund agreement or other conditions established under the permit to mine, subject to the
2.24 policies and procedures of the State Board of Investment.

185.24 of accelerated June liability owed based on the reduction required by this clause. By April
185.25 15 each year, the commissioner of revenue must certify the percentage of June liability
185.26 owed by vendors based on the reduction required by this clause.

185.27 (b) The amounts necessary to meet the requirements of this section are appropriated
185.28 from the general fund within two weeks after the forecast is released or, in the case of
185.29 transfers under paragraph (a), clauses (3) and (4), as necessary to meet the appropriations
185.30 schedules otherwise established in statute.

185.31 (c) The commissioner of management and budget shall certify the total dollar amount
185.32 of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education.
185.33 The commissioner of education shall increase the aid payment percentage and reduce the
186.1 property tax shift percentage by these amounts and apply those reductions to the current
186.2 fiscal year and thereafter.

186.3 Sec. 2. Minnesota Statutes 2022, section 84.02, is amended by adding a subdivision to
186.4 read:

186.5 Subd. 6c. **Restored prairie.** "Restored prairie" means a restoration that uses at least 25
186.6 representative and biologically diverse native prairie plant species and that occurs on land
186.7 that was previously cropped or used as pasture.

186.8 Sec. 3. Minnesota Statutes 2022, section 84.0274, subdivision 6, is amended to read:

186.9 Subd. 6. **State's responsibilities.** When the state proposes to purchase land for natural
186.10 resources purposes, the commissioner of natural resources and, where applicable, the
186.11 commissioner of administration shall have the following responsibilities:

186.12 (1) the responsibility to deal fairly and openly with the landowner in the purchase of
186.13 property;

186.14 (2) the responsibility to refrain from discussing price with the landowner before an
186.15 appraisal has been made. In addition, the same person shall not both appraise and negotiate
186.16 for purchase of a tract of land. This paragraph does not apply to the state when discussing
186.17 with a landowner the trout stream easement payment determined under section 84.0272,
186.18 subdivision 2, the native prairie bank easement payment determined under section 84.96,
186.19 subdivision 5, or the Camp Ripley's Army compatible use buffer easement payment
186.20 determined under section 84.0277, subdivision 2;

186.21 (3) the responsibility to use private fee appraisers to lower the state's acquisition costs
186.22 to the greatest extent practicable; and

186.23 (4) the responsibility to acquire land in as expeditious a manner as possible. No option
186.24 shall be made for a period of greater than two months if no survey is required or for nine
186.25 months if a survey is required, unless the landowner, in writing, expressly requests a longer
186.26 period of time. ~~Provided that, if county board approval of the transaction is required pursuant~~
186.27 ~~to section 97A.145, no time limits shall apply.~~ If the state elects not to purchase property
186.28 upon which it has an option, it shall pay the landowner \$500 after the expiration of the

186.29 option period. If the state elects to purchase the property, unless the landowner elects
186.30 otherwise, payment to the landowner shall be made no later than 90 days following the
186.31 state's election to purchase the property provided that the title is marketable and the owner
186.32 acts expeditiously to complete the transaction.

187.1 Sec. 4. Minnesota Statutes 2022, section 84.0276, is amended to read:

187.2 **84.0276 LAND TRANSFERS BY A FEDERAL AGENCY.**

187.3 Before the commissioner of natural resources accepts agricultural land or a farm
187.4 homestead transferred in fee by a federal agency, the commissioner must consult with the
187.5 Board of Water and Soil Resources for a determination of marginal land, tillable farmland,
187.6 and farm homestead. The commissioner must comply with the acquisition procedure under
187.7 section 97A.145, subdivision 2, if the agricultural land or farm homestead was in an
187.8 agricultural preserve as provided in section 40A.10.

187.9 Sec. 5. Minnesota Statutes 2022, section 84.415, subdivision 3, is amended to read:

187.10 Subd. 3. **Application, form.** The application for license or permit shall be in
187.11 quadruplicate, and shall must include with each copy a legal description of the lands or
187.12 waters affected, a metes and bounds description of the required right-of-way, a map showing
187.13 said features, and a detailed design of any structures necessary, or in lieu thereof shall be
187.14 in such other form, and include such other descriptions, maps or designs, as the commissioner
187.15 may require. The commissioner may at any time order such changes or modifications
187.16 respecting construction or maintenance of structures or other conditions of the license or
187.17 permit as the commissioner deems necessary to protect the public health and safety.

187.18 Sec. 6. Minnesota Statutes 2022, section 84.415, subdivision 6, is amended to read:

187.19 Subd. 6. **Supplemental application fee and monitoring fee.** (a) In addition to the
187.20 application fee and utility crossing fees specified in Minnesota Rules, the commissioner of
187.21 natural resources shall assess the applicant for a utility license the following fees:

187.22 (1) ~~a~~ to cover reasonable costs for reviewing an application and preparing a license,
187.23 supplemental application fee of fees as follows:

187.24 (i) \$1,750 for a public water crossing license and a supplemental application fee of
187.25 \$3,000 for a public lands crossing license, to cover reasonable costs for reviewing the
187.26 application and preparing the license for electric power lines, cables, or conduits of 100
187.27 kilovolts or more and for main pipelines for gas, liquids, or solids in suspension;

187.28 (ii) \$1,000 for a public water crossing license and \$1,000 for a public lands crossing
187.29 license for applications to which item (i) does not apply; and

187.30 (iii) for all applications, an additional \$500 for each water crossing or land crossing in
187.31 excess of two crossings; and

UEH2310-2

71.13 Sec. 11. Minnesota Statutes 2022, section 84.415, subdivision 3, is amended to read:

71.14 Subd. 3. **Application, form.** The application for license or permit shall be in
71.15 quadruplicate, and shall must include with each copy a legal description of the lands or
71.16 waters affected, a metes and bounds description of the required right-of-way, a map showing
71.17 said features, and a detailed design of any structures necessary, or in lieu thereof shall be
71.18 in such other form, and include such other descriptions, maps or designs, as the commissioner
71.19 may require. The commissioner may at any time order such changes or modifications
71.20 respecting construction or maintenance of structures or other conditions of the license or
71.21 permit as the commissioner deems necessary to protect the public health and safety.

188.1 (2) a monitoring fee to cover the projected reasonable costs for monitoring the
188.2 construction of the utility line and preparing special terms and conditions of the license to
188.3 ensure proper construction. The commissioner must give the applicant an estimate of the
188.4 monitoring fee before the applicant submits the fee.

188.5 (b) The applicant shall pay fees under this subdivision to the commissioner of natural
188.6 resources. The commissioner shall not issue the license until the applicant has paid all fees
188.7 in full.

188.8 (c) Upon completion of construction of the improvement for which the license or permit
188.9 was issued, the commissioner shall refund the unobligated balance from the monitoring fee
188.10 revenue. The commissioner shall not return the application fees, even if the application is
188.11 withdrawn or denied.

188.12 ~~(d) If the fees collected under paragraph (a), clause (1), are not sufficient to cover the~~
188.13 ~~costs of reviewing the applications and preparing the licenses, the commissioner shall~~
188.14 ~~improve efficiencies and otherwise reduce department costs and activities to ensure the~~
188.15 ~~revenues raised under paragraph (a), clause (1), are sufficient, and that no other funds are~~
188.16 ~~necessary to carry out the requirements.~~

188.17 (d) For purposes of this subdivision:

188.18 (1) "water crossing" means each location where the proposed utility will cross a public
188.19 water between banks or shores; and

188.20 (2) "land crossing" means each quarter-quarter section or government lot where the
188.21 proposed utility will cross public land.

188.22 Sec. 7. Minnesota Statutes 2022, section 84.415, subdivision 7, is amended to read:

188.23 Subd. 7. **Application fee exemption.** (a) A utility license for crossing public lands or
188.24 public waters is exempt from all application fees specified ~~in this section and~~ in rules adopted
188.25 under this section.

188.26 (b) This subdivision does not apply to electric power lines, cables, or conduits 100
188.27 kilovolts or greater or to main pipelines for gas, liquids, or solids in suspension.

189.1 Sec. 8. Minnesota Statutes 2022, section 84.415, is amended by adding a subdivision to
189.2 read:

189.3 Subd. 9. **Fees for renewing license.** At the end of the license period, if both parties wish
189.4 to renew a license, the commissioner must assess the applicant for all fees in this section
189.5 as if the renewal is an application for a new license.

S2904-2

189.6 Sec. 9. Minnesota Statutes 2022, section 84.788, subdivision 5, is amended to read:

189.7 Subd. 5. **Report of ownership transfers; fee.** (a) Application for transfer of ownership
189.8 of an off-highway motorcycle registered under this section must be made to the commissioner
189.9 within 15 days of the date of transfer.

189.10 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
189.11 purchaser using a bill of sale that includes the vehicle serial number.

189.12 (c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser
189.13 fails to apply for transfer of ownership as provided under this subdivision.

189.14 Sec. 10. Minnesota Statutes 2022, section 84.82, subdivision 2, is amended to read:

189.15 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or
189.16 reregistration shall be made to the commissioner or an authorized deputy registrar of motor
189.17 vehicles in a format prescribed by the commissioner and shall state the legal name and
189.18 address of every owner of the snowmobile.

189.19 (b) A person who purchases a snowmobile from a retail dealer shall make application
189.20 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary
189.21 21-day registration permit to each purchaser who applies to the dealer for registration. The
189.22 temporary permit must contain the dealer's identification number and phone number. Each
189.23 retail dealer shall submit completed registration and fees to the deputy registrar at least once
189.24 a week. No fee may be charged by a dealer to a purchaser for providing the temporary
189.25 permit.

189.26 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy
189.27 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number
189.28 or a commissioner or deputy registrar temporary 21-day permit. The registration number
189.29 must be printed on a registration decal issued by the commissioner or a deputy registrar.
189.30 Once issued, the registration ~~number~~ decal must be affixed to the snowmobile in a clearly
189.31 visible and permanent manner for enforcement purposes ~~as the commissioner of natural~~
189.32 ~~resources shall prescribe~~ according to subdivision 3b. A dealer subject to paragraph (b)
190.1 shall provide the registration materials or temporary permit to the purchaser within the
190.2 temporary 21-day permit period. The registration is not valid unless signed by at least one
190.3 owner.

190.4 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33 shall also
190.5 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement
190.6 with the commissioner of public safety may prescribe the accounting and procedural

2.25 Sec. 2. Minnesota Statutes 2022, section 84.788, subdivision 5, is amended to read:

2.26 Subd. 5. **Report of ownership transfers; fee.** (a) Application for transfer of ownership
2.27 of an off-highway motorcycle registered under this section must be made to the commissioner
2.28 within 15 days of the date of transfer.

2.29 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
2.30 purchaser using a bill of sale that includes the vehicle serial number.

2.31 (c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser
2.32 fails to apply for transfer of ownership as provided under this subdivision.

3.1 Sec. 3. Minnesota Statutes 2022, section 84.82, subdivision 2, is amended to read:

3.2 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or
3.3 reregistration shall be made to the commissioner or an authorized deputy registrar of motor
3.4 vehicles in a format prescribed by the commissioner and shall state the legal name and
3.5 address of every owner of the snowmobile.

3.6 (b) A person who purchases a snowmobile from a retail dealer shall make application
3.7 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary
3.8 21-day registration permit to each purchaser who applies to the dealer for registration. The
3.9 temporary permit must contain the dealer's identification number and phone number. Each
3.10 retail dealer shall submit completed registration and fees to the deputy registrar at least once
3.11 a week. No fee may be charged by a dealer to a purchaser for providing the temporary
3.12 permit.

3.13 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy
3.14 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number
3.15 or a commissioner or deputy registrar temporary 21-day permit. The registration number
3.16 must be printed on a registration decal issued by the commissioner or a deputy registrar.
3.17 Once issued, the registration ~~number~~ decal must be affixed to the snowmobile in a clearly
3.18 visible and permanent manner for enforcement purposes ~~as the commissioner of natural~~
3.19 ~~resources shall prescribe~~ according to subdivision 3b. A dealer subject to paragraph (b)
3.20 shall provide the registration materials or temporary permit to the purchaser within the
3.21 temporary 21-day permit period. The registration is not valid unless signed by at least one
3.22 owner.

3.23 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33 shall also
3.24 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement
3.25 with the commissioner of public safety may prescribe the accounting and procedural

190.7 requirements necessary to ensure efficient handling of registrations and registration fees.
190.8 Deputy registrars shall strictly comply with these accounting and procedural requirements.

190.9 (e) In addition to other fees prescribed by law, an issuing fee of \$4.50 is charged for
190.10 each snowmobile registration renewal, duplicate or replacement registration card, and
190.11 replacement decal, and an issuing fee of \$7 is charged for each snowmobile registration and
190.12 registration transfer issued by:

190.13 (1) a registrar or a deputy registrar and must be deposited in the manner provided in
190.14 section 168.33, subdivision 2; or

190.15 (2) the commissioner and must be deposited in the state treasury and credited to the
190.16 snowmobile trails and enforcement account in the natural resources fund.

190.17 Sec. 11. Minnesota Statutes 2022, section 84.82, is amended by adding a subdivision to
190.18 read:

190.19 Subd. 3b. **Display of registration decal.** (a) A person must not operate or transport a
190.20 snowmobile in the state or allow another to operate the person's snowmobile in the state
190.21 unless the snowmobile has its unexpired registration decal affixed to each side of the
190.22 snowmobile and the decals are legible.

190.23 (b) The registration decal must be affixed:

190.24 (1) for snowmobiles made after June 30, 1972, in the areas provided by the manufacturer
190.25 under section 84.821, subdivision 2; and

190.26 (2) for all other snowmobiles, on each side of the cowling on the upper half of the
190.27 snowmobile.

190.28 (c) When any previously affixed registration decal is destroyed or lost, a duplicate must
190.29 be affixed in the same manner as provided in paragraph (b).

191.1 Sec. 12. Minnesota Statutes 2022, section 84.821, subdivision 2, is amended to read:

191.2 Subd. 2. **Area for registration number.** All snowmobiles made after June 30, 1972,
191.3 and sold in Minnesota, shall be designed and made to provide an area on which to affix the
191.4 registration ~~number~~ decal. ~~This area shall be at a location and of dimensions prescribed by~~
191.5 ~~rule of the commissioner.~~ A clear area must be provided on each side of the cowling with
191.6 a minimum size of 3-1/2 square inches and at least 12 inches from the ground when the
191.7 machine is resting on a hard surface.

3.26 requirements necessary to ensure efficient handling of registrations and registration fees.
3.27 Deputy registrars shall strictly comply with these accounting and procedural requirements.

3.28 (e) In addition to other fees prescribed by law, an issuing fee of \$4.50 is charged for
3.29 each snowmobile registration renewal, duplicate or replacement registration card, and
3.30 replacement decal, and an issuing fee of \$7 is charged for each snowmobile registration and
3.31 registration transfer issued by:

3.32 (1) a registrar or a deputy registrar and must be deposited in the manner provided in
3.33 section 168.33, subdivision 2; or

4.1 (2) the commissioner and must be deposited in the state treasury and credited to the
4.2 snowmobile trails and enforcement account in the natural resources fund.

4.3 Sec. 4. Minnesota Statutes 2022, section 84.82, is amended by adding a subdivision to
4.4 read:

4.5 Subd. 3b. **Display of registration decal.** (a) A person must not operate a snowmobile
4.6 in the state or allow another to operate the person's snowmobile in the state unless the
4.7 snowmobile has its unexpired registration decal affixed to each side of the snowmobile and
4.8 the decals are legible.

4.9 (b) The registration decal must be affixed:

4.10 (1) for snowmobiles made after June 30, 1972, in the areas provided by the manufacturer
4.11 under section 84.821, subdivision 2; and

4.12 (2) for all other snowmobiles, on each side of the cowling on the upper half of the
4.13 snowmobile.

4.14 (c) When any previously affixed registration decal is destroyed or lost, a duplicate must
4.15 be affixed in the same manner as provided in paragraph (b).

4.16 Sec. 5. Minnesota Statutes 2022, section 84.821, subdivision 2, is amended to read:

4.17 Subd. 2. **Area for registration number.** All snowmobiles made after June 30, 1972,
4.18 and sold in Minnesota, shall be designed and made to provide an area on which to affix the
4.19 registration ~~number~~ decal. ~~This area shall be at a location and of dimensions prescribed by~~
4.20 ~~rule of the commissioner.~~ A clear area must be provided on each side of the cowling with
4.21 a minimum size of 3-1/2 square inches and at least 12 inches from the ground when the
4.22 machine is resting on a hard surface.

191.8 Sec. 13. Minnesota Statutes 2022, section 84.84, is amended to read:

191.9 **84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

191.10 (a) Within 15 days after the transfer of ownership, or any part thereof, other than a
191.11 security interest, or the destruction or abandonment of any snowmobile, written notice of
191.12 the transfer or destruction or abandonment shall be given to the commissioner in such form
191.13 as the commissioner shall prescribe.

191.14 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
191.15 purchaser using a bill of sale that includes the vehicle serial number.

191.16 (c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser
191.17 fails to apply for transfer of ownership as provided under this subdivision. Every owner or
191.18 part owner of a snowmobile shall, upon failure to give notice of destruction or abandonment,
191.19 be subject to the penalties imposed by section 84.88.

191.20 Sec. 14. Minnesota Statutes 2022, section 84.86, subdivision 1, is amended to read:

191.21 Subdivision 1. **Required rules, fees, and reports.** (a) With a view of achieving maximum
191.22 use of snowmobiles consistent with protection of the environment the commissioner of
191.23 natural resources shall adopt rules in the manner provided by chapter 14, for the following
191.24 purposes:

191.25 (1) registration of snowmobiles ~~and display of registration numbers;~~

191.26 (2) use of snowmobiles insofar as game and fish resources are affected;

191.27 (3) use of snowmobiles on public lands and waters, or on grant-in-aid trails;

191.28 (4) uniform signs to be used by the state, counties, and cities, which are necessary or
191.29 desirable to control, direct, or regulate the operation and use of snowmobiles;

191.30 (5) specifications relating to snowmobile mufflers; and

192.1 (6) a comprehensive snowmobile information and safety education and training program;
192.2 ~~including that includes~~ but is not limited to ~~the preparation and dissemination of~~ preparing
192.3 and disseminating snowmobile information and safety advice to the public, ~~the training of~~
192.4 snowmobile operators, and ~~the issuance of~~ issuing snowmobile safety certificates to
192.5 snowmobile operators who successfully complete the snowmobile safety education and
192.6 training course.

192.7 (b) For the purpose of administering ~~such~~ the program under paragraph (a), clause (6),
192.8 and to defray expenses of training and certifying snowmobile operators, the commissioner
192.9 shall collect a fee from each person who receives the youth or adult training. The

4.23 Sec. 6. Minnesota Statutes 2022, section 84.84, is amended to read:

4.24 **84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

4.25 (a) Within 15 days after the transfer of ownership, or any part thereof, other than a
4.26 security interest, or the destruction or abandonment of any snowmobile, written notice of
4.27 the transfer or destruction or abandonment shall be given to the commissioner in such form
4.28 as the commissioner shall prescribe.

4.29 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
4.30 purchaser using a bill of sale that includes the vehicle serial number.

5.1 (c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser
5.2 fails to apply for transfer of ownership as provided under this subdivision. Every owner or
5.3 part owner of a snowmobile shall, upon failure to give notice of destruction or abandonment,
5.4 be subject to the penalties imposed by section 84.88.

5.5 Sec. 7. Minnesota Statutes 2022, section 84.86, subdivision 1, is amended to read:

5.6 Subdivision 1. **Required rules, fees, and reports.** (a) With a view of achieving maximum
5.7 use of snowmobiles consistent with protection of the environment the commissioner of
5.8 natural resources shall adopt rules in the manner provided by chapter 14, for the following
5.9 purposes:

5.10 (1) registration of snowmobiles ~~and display of registration numbers;~~

5.11 (2) use of snowmobiles insofar as game and fish resources are affected;

5.12 (3) use of snowmobiles on public lands and waters, or on grant-in-aid trails;

5.13 (4) uniform signs to be used by the state, counties, and cities, which are necessary or
5.14 desirable to control, direct, or regulate the operation and use of snowmobiles;

5.15 (5) specifications relating to snowmobile mufflers; and

5.16 (6) a comprehensive snowmobile information and safety education and training program;
5.17 ~~including that includes~~ but is not limited to ~~the preparation and dissemination of~~ preparing
5.18 and disseminating snowmobile information and safety advice to the public, ~~the training of~~
5.19 snowmobile operators, and ~~the issuance of~~ issuing snowmobile safety certificates to
5.20 snowmobile operators who successfully complete the snowmobile safety education and
5.21 training course.

5.22 (b) For the purpose of administering ~~such~~ the program under paragraph (a), clause (6),
5.23 and to defray expenses of training and certifying snowmobile operators, the commissioner
5.24 shall collect a fee from each person who receives the youth or adult training. The

192.10 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
192.11 a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a
192.12 manner that neither significantly overrecovers nor underrecovers costs, including overhead
192.13 costs, involved in providing the services. The fees are not subject to the rulemaking provisions
192.14 of chapter 14, and section 14.386 does not apply. The fees may be established by the
192.15 commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for
192.16 licensing agents under this subdivision, shall be deposited in the snowmobile trails and
192.17 enforcement account in the natural resources fund and the amount thereof, except for the
192.18 electronic licensing system commission established by the commissioner under section
192.19 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
192.20 annually to the Enforcement Division of the Department of Natural Resources for ~~the~~
192.21 ~~administration of such~~ administering the programs. In addition to the fee established by the
192.22 commissioner, instructors may charge each person any fee paid by the instructor for the
192.23 person's online training course and up to the established fee amount for class materials and
192.24 expenses. The commissioner shall cooperate with private organizations and associations,
192.25 private and public corporations, and local governmental units in furtherance of the program
192.26 established under ~~this paragraph (a),~~ clause (6). School districts may cooperate with the
192.27 commissioner and volunteer instructors to provide space for the classroom portion of the
192.28 training. The commissioner shall consult with the commissioner of public safety in regard
192.29 to training program subject matter and performance testing that leads to the certification of
192.30 snowmobile operators.

192.31 ~~(7)(c)~~ (c) The operator of any snowmobile involved in an accident resulting in injury
192.32 requiring medical attention or hospitalization to or death of any person or total damage to
192.33 an extent of \$500 or more, shall forward a written report of the accident to the commissioner
192.34 on ~~such a form as prescribed by the commissioner shall prescribe.~~ If the operator is killed
193.1 or is unable to file a report due to incapacitation, any peace officer investigating the accident
193.2 shall file the accident report within ten business days.

193.3 Sec. 15. Minnesota Statutes 2022, section 84.87, subdivision 1, is amended to read:

193.4 Subdivision 1. **Operation on streets and highways.** (a) No person shall operate a
193.5 snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county
193.6 state-aid, or county highway in this state and, in the case of a divided trunk or county
193.7 highway, on the right-of-way between the opposing lanes of traffic, except as provided in
193.8 sections 84.81 to 84.90. No person shall operate a snowmobile within the right-of-way of
193.9 any trunk, county state-aid, or county highway between the hours of one-half hour after
193.10 sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way
193.11 and in the same direction as the highway traffic on the nearest lane of the roadway adjacent
193.12 thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate
193.13 highway or freeway within this state.

193.14 (b) Notwithstanding any provision of paragraph (a) to the contrary:

5.25 commissioner shall collect a fee, to include a \$1 issuing fee for licensing agents, for issuing
5.26 a duplicate snowmobile safety certificate. The commissioner shall establish both fees in a
5.27 manner that neither significantly overrecovers nor underrecovers costs, including overhead
5.28 costs, involved in providing the services. The fees are not subject to the rulemaking provisions
5.29 of chapter 14, and section 14.386 does not apply. The fees may be established by the
5.30 commissioner notwithstanding section 16A.1283. The fees, except for the issuing fee for
5.31 licensing agents under this subdivision, shall be deposited in the snowmobile trails and
5.32 enforcement account in the natural resources fund and the amount thereof, except for the
5.33 electronic licensing system commission established by the commissioner under section
6.1 84.027, subdivision 15, and issuing fees collected by the commissioner, is appropriated
6.2 annually to the Enforcement Division of the Department of Natural Resources for ~~the~~
6.3 ~~administration of such~~ administering the programs. In addition to the fee established by the
6.4 commissioner, instructors may charge each person any fee paid by the instructor for the
6.5 person's online training course and up to the established fee amount for class materials and
6.6 expenses. The commissioner shall cooperate with private organizations and associations,
6.7 private and public corporations, and local governmental units in furtherance of the program
6.8 established under ~~this paragraph (a),~~ clause (6). School districts may cooperate with the
6.9 commissioner and volunteer instructors to provide space for the classroom portion of the
6.10 training. The commissioner shall consult with the commissioner of public safety in regard
6.11 to training program subject matter and performance testing that leads to the certification of
6.12 snowmobile operators.

6.13 ~~(7)(c)~~ (c) The operator of any snowmobile involved in an accident resulting in injury
6.14 requiring medical attention or hospitalization to or death of any person or total damage to
6.15 an extent of \$500 or more, shall forward a written report of the accident to the commissioner
6.16 on ~~such a form as prescribed by the commissioner shall prescribe.~~ If the operator is killed
6.17 or is unable to file a report due to incapacitation, any peace officer investigating the accident
6.18 shall file the accident report within ten business days.

6.19 Sec. 8. Minnesota Statutes 2022, section 84.87, subdivision 1, is amended to read:

6.20 Subdivision 1. **Operation on streets and highways.** (a) No person shall operate a
6.21 snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county
6.22 state-aid, or county highway in this state and, in the case of a divided trunk or county
6.23 highway, on the right-of-way between the opposing lanes of traffic, except as provided in
6.24 sections 84.81 to 84.90. No person shall operate a snowmobile within the right-of-way of
6.25 any trunk, county state-aid, or county highway between the hours of one-half hour after
6.26 sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way
6.27 and in the same direction as the highway traffic on the nearest lane of the roadway adjacent
6.28 thereto. No snowmobile shall be operated at any time within the right-of-way of any interstate
6.29 highway or freeway within this state.

6.30 (b) Notwithstanding any provision of paragraph (a) to the contrary:

193.15 (1) under conditions prescribed by the commissioner of transportation, the commissioner
193.16 of transportation may allow two-way operation of snowmobiles on either side of the trunk
193.17 highway right-of-way where the commissioner of transportation determines that two-way
193.18 operation will not endanger users of the trunk highway or riders of the snowmobiles using
193.19 the trail;

193.20 (2) under conditions prescribed by a local road authority as defined in section 160.02,
193.21 subdivision 25, the road authority may allow two-way operation of snowmobiles on either
193.22 side of the right-of-way of a street or highway under the road authority's jurisdiction, where
193.23 the road authority determines that two-way operation will not endanger users of the street
193.24 or highway or riders of the snowmobiles using the trail;

193.25 (3) the commissioner of transportation under clause (1) and the local road authority
193.26 under clause (2) shall notify the commissioner of natural resources and the local law
193.27 enforcement agencies responsible for the streets or highways of the locations of two-way
193.28 snowmobile trails authorized under this paragraph; and

193.29 (4) two-way snowmobile trails authorized under this paragraph shall be posted for
193.30 two-way operation at the authorized locations.

193.31 (c) A snowmobile may make a direct crossing of a street or highway at any hour of the
193.32 day provided:

194.1 (1) the crossing is made at an angle of approximately 90 degrees to the direction of the
194.2 highway and at a place where no obstruction prevents a quick and safe crossing;

194.3 (2) the snowmobile is brought to a complete stop before crossing the shoulder or main
194.4 traveled way of the highway;

194.5 (3) the driver yields the right-of-way to all oncoming traffic which constitutes an
194.6 immediate hazard;

194.7 (4) in crossing a divided highway, the crossing is made only at an intersection of such
194.8 highway with another public street or highway or at a safe location approved by the road
194.9 authority;

194.10 (5) if the crossing is made between the hours of one-half hour after sunset to one-half
194.11 hour before sunrise or in conditions of reduced visibility, only if both front and rear lights
194.12 are on; and

194.13 (6) a snowmobile may be operated upon a bridge, other than a bridge that is part of the
194.14 main traveled lanes of an interstate highway, when required for the purpose of avoiding
194.15 obstructions to travel when no other method of avoidance is possible; provided the
194.16 snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made
194.17 within 100 feet of the bridge and the crossing is made without undue delay.

194.18 (d) No snowmobile shall be operated upon a public street or highway unless it is equipped
194.19 with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by

6.31 (1) under conditions prescribed by the commissioner of transportation, the commissioner
6.32 of transportation may allow two-way operation of snowmobiles on either side of the trunk
6.33 highway right-of-way where the commissioner of transportation determines that two-way
7.1 operation will not endanger users of the trunk highway or riders of the snowmobiles using
7.2 the trail;

7.3 (2) under conditions prescribed by a local road authority as defined in section 160.02,
7.4 subdivision 25, the road authority may allow two-way operation of snowmobiles on either
7.5 side of the right-of-way of a street or highway under the road authority's jurisdiction, where
7.6 the road authority determines that two-way operation will not endanger users of the street
7.7 or highway or riders of the snowmobiles using the trail;

7.8 (3) the commissioner of transportation under clause (1) and the local road authority
7.9 under clause (2) shall notify the commissioner of natural resources and the local law
7.10 enforcement agencies responsible for the streets or highways of the locations of two-way
7.11 snowmobile trails authorized under this paragraph; and

7.12 (4) two-way snowmobile trails authorized under this paragraph shall be posted for
7.13 two-way operation at the authorized locations.

7.14 (c) A snowmobile may make a direct crossing of a street or highway at any hour of the
7.15 day provided:

7.16 (1) the crossing is made at an angle of approximately 90 degrees to the direction of the
7.17 highway and at a place where no obstruction prevents a quick and safe crossing;

7.18 (2) the snowmobile is brought to a complete stop before crossing the shoulder or main
7.19 traveled way of the highway;

7.20 (3) the driver yields the right-of-way to all oncoming traffic which constitutes an
7.21 immediate hazard;

7.22 (4) in crossing a divided highway, the crossing is made only at an intersection of such
7.23 highway with another public street or highway or at a safe location approved by the road
7.24 authority;

7.25 (5) if the crossing is made between the hours of one-half hour after sunset to one-half
7.26 hour before sunrise or in conditions of reduced visibility, only if both front and rear lights
7.27 are on; and

7.28 (6) a snowmobile may be operated upon a bridge, other than a bridge that is part of the
7.29 main traveled lanes of an interstate highway, when required for the purpose of avoiding
7.30 obstructions to travel when no other method of avoidance is possible; provided the
7.31 snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made
7.32 within 100 feet of the bridge and the crossing is made without undue delay.

8.1 (d) No snowmobile shall be operated upon a public street or highway unless it is equipped
8.2 with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by

194.20 rules of the commissioner, reflector material of a minimum area of 16 square inches mounted
194.21 on each side forward of the handle bars, and with brakes each of which shall conform to
194.22 standards prescribed by rule of the commissioner pursuant to the authority vested in the
194.23 commissioner by section 84.86, and each of which shall be subject to approval of the
194.24 commissioner of public safety.

194.25 (e) A snowmobile may be operated upon a public street or highway other than as provided
194.26 by paragraph (c) in an emergency during the period of time when and at locations where
194.27 snow upon the roadway renders travel by automobile impractical.

194.28 (f) All provisions of chapters 169 and 169A shall apply to the operation of snowmobiles
194.29 upon streets and highways, except for those relating to required equipment, and except those
194.30 which by their nature have no application. Section 169.09 applies to the operation of
194.31 snowmobiles anywhere in the state or on the ice of any boundary water of the state.

194.32 (g) Any sled, trailer, or other device being towed by a snowmobile must be equipped
194.33 with reflective materials as required by rule of the commissioner.

195.1 Sec. 16. Minnesota Statutes 2022, section 84.90, subdivision 7, is amended to read:

195.2 Subd. 7. **Penalty.** (a) A person violating the provisions of this section is guilty of a
195.3 misdemeanor.

195.4 (b) Notwithstanding section 609.101, subdivision 4, clause (2), the minimum fine for a
195.5 person who operates an off-highway motorcycle, off-road vehicle, all-terrain vehicle, or
195.6 snowmobile in violation of this section must not be less than the amount set forth in section
195.7 84.775.

195.8 Sec. 17. [84.9735] INSECTICIDES ON STATE LANDS.

195.9 A person may not use a pesticide containing an insecticide in a wildlife management
195.10 area, state park, state forest, aquatic management area, or scientific and natural area if the
195.11 insecticide is from the neonicotinoid class of insecticides or contains chlorpyrifos.

8.3 rules of the commissioner, reflector material of a minimum area of 16 square inches mounted
8.4 on each side forward of the handle bars, and with brakes each of which shall conform to
8.5 standards prescribed by rule of the commissioner pursuant to the authority vested in the
8.6 commissioner by section 84.86, and each of which shall be subject to approval of the
8.7 commissioner of public safety.

8.8 (e) A snowmobile may be operated upon a public street or highway other than as provided
8.9 by paragraph (c) in an emergency during the period of time when and at locations where
8.10 snow upon the roadway renders travel by automobile impractical.

8.11 (f) All provisions of chapters 169 and 169A shall apply to the operation of snowmobiles
8.12 upon streets and highways, except for those relating to required equipment, and except those
8.13 which by their nature have no application. Section 169.09 applies to the operation of
8.14 snowmobiles anywhere in the state or on the ice of any boundary water of the state.

8.15 (g) Any sled, trailer, or other device being towed by a snowmobile must be equipped
8.16 with reflective materials as required by rule of the commissioner.

8.17 Sec. 9. Minnesota Statutes 2022, section 84.922, subdivision 4, is amended to read:

8.18 Subd. 4. **Report of transfers.** (a) Application for transfer of ownership must be made
8.19 to the commissioner within 15 days of the date of transfer.

8.20 (b) An application for transfer must be executed by the ~~registered~~ current owner and the
8.21 purchaser using a bill of sale that includes the vehicle serial number.

8.22 (c) The purchaser is subject to the penalties imposed by section 84.774 if the purchaser
8.23 fails to apply for transfer of ownership as provided under this subdivision.

195.12 Sec. 18. Minnesota Statutes 2022, section 84.992, subdivision 2, is amended to read:

195.13 Subd. 2. **Program.** The commissioner of natural resources shall develop and implement
195.14 a program for the Minnesota Naturalist Corps that supports state parks and trails in providing
195.15 interpretation of the natural and cultural features of state parks and trails in order to enhance
195.16 visitors' awareness, understanding, and appreciation of those features and encourages the
195.17 wise and sustainable use of the environment.

195.18 Sec. 19. Minnesota Statutes 2022, section 84.992, subdivision 5, is amended to read:

195.19 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if
195.20 the person:

195.21 ~~(1) is a permanent resident of the state;~~

195.22 ~~(2) is a participant in an approved college internship program in a field related to natural~~
195.23 ~~resources, cultural history, interpretation, or conservation; and~~

195.24 ~~(3) has completed at least one year of postsecondary education.~~

195.25 Sec. 20. Minnesota Statutes 2022, section 84D.02, subdivision 3, is amended to read:

195.26 Subd. 3. **Management plan.** By December 31, 2023, and every five years thereafter,
195.27 the commissioner shall prepare and maintain a long-term plan, which may include specific
195.28 plans for individual species and actions, for the statewide management of invasive species
195.29 of aquatic plants and wild animals. The plan must address:

196.1 (1) coordinated detection and prevention of accidental introductions;

196.2 (2) coordinated dissemination of information about invasive species of aquatic plants
196.3 and wild animals among resource management agencies and organizations;

196.4 (3) a coordinated public education and awareness campaign;

196.5 (4) coordinated control of selected invasive species of aquatic plants and wild animals
196.6 on lands and public waters;

196.7 (5) participation by lake associations, local citizen groups, and local units of government
196.8 in the development and implementation of local management efforts;

196.9 (6) a reasonable and workable inspection requirement for watercraft and equipment
196.10 including those participating in organized events on the waters of the state;

196.11 (7) the closing of points of access to infested waters, if the commissioner determines it
196.12 is necessary, for a total of not more than seven days during the open water season for control
196.13 or eradication purposes;

8.24 Sec. 10. Minnesota Statutes 2022, section 84.992, subdivision 2, is amended to read:

8.25 Subd. 2. **Program.** The commissioner of natural resources shall develop and implement
8.26 a program for the Minnesota Naturalist Corps that supports state parks and trails in providing
8.27 interpretation of the natural and cultural features of state parks and trails in order to enhance
8.28 visitors' awareness, understanding, and appreciation of those features and encourages the
8.29 wise and sustainable use of the environment.

9.1 Sec. 11. Minnesota Statutes 2022, section 84.992, subdivision 5, is amended to read:

9.2 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if
9.3 the person:

9.4 ~~(1) is a permanent resident of the state;~~

9.5 ~~(2) is a participant in an approved college internship program in a field related to natural~~
9.6 ~~resources, cultural history, interpretation, or conservation; and~~

9.7 ~~(3) has completed at least one year of postsecondary education.~~

196.14 (8) maintaining public accesses on infested waters to be reasonably free of aquatic
196.15 macrophytes; ~~and~~

196.16 (9) notice to travelers of the penalties for violation of laws relating to invasive species
196.17 of aquatic plants and wild animals; and

196.18 (10) the impacts of climate change on invasive species management.

196.19 Sec. 21. Minnesota Statutes 2022, section 84D.10, subdivision 3, is amended to read:

196.20 Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed peace
196.21 officer may order:

196.22 (1) the removal of aquatic macrophytes or prohibited invasive species from water-related
196.23 equipment, including decontamination using hot water or high pressure equipment ~~when~~
196.24 ~~available on site~~, before the water-related equipment is transported or before it is placed
196.25 into waters of the state;

196.26 (2) confinement of the water-related equipment at a mooring, dock, or other location
196.27 until the water-related equipment is removed from the water;

196.28 (3) removal of water-related equipment from waters of the state to remove prohibited
196.29 invasive species if the water has not been listed by the commissioner as being infested with
196.30 that species;

197.1 (4) a prohibition on placing water-related equipment into waters of the state when the
197.2 water-related equipment has aquatic macrophytes or prohibited invasive species attached
197.3 in violation of subdivision 1 or when water has not been drained or the drain plug has not
197.4 been removed in violation of subdivision 4; and

197.5 (5) decontamination of water-related equipment ~~when available on site~~.

197.6 (b) An order for removal of prohibited invasive species under paragraph (a), clause (1),
197.7 or decontamination of water-related equipment under paragraph (a), clause (5), may include
197.8 tagging the water-related equipment and issuing a notice that specifies a time frame for
197.9 completing the removal or decontamination and reinspection of the water-related equipment.

197.10 (c) An inspector who is not a licensed peace officer may issue orders under paragraph
197.11 (a), clauses (1), (3), (4), and (5).

197.12 Sec. 22. Minnesota Statutes 2022, section 84D.15, subdivision 2, is amended to read:

197.13 Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section
197.14 86B.415, subdivision 7, civil penalties under section 84D.13, and service provider permits
197.15 under section 84D.108, must be deposited in the invasive species account. Each year, the
197.16 commissioner of management and budget must transfer from the game and fish fund to the
197.17 invasive species account, the annual surcharge collected on nonresident fishing licenses
197.18 under section 97A.475, subdivision 7, paragraph (b). ~~Each fiscal year, the commissioner of~~

197.19 ~~management and budget shall transfer \$375,000 from the water recreation account under~~
197.20 ~~section 86B.706 to the invasive species account.~~

197.21 Sec. 23. Minnesota Statutes 2022, section 85.015, subdivision 10, is amended to read:

197.22 Subd. 10. **Luce Line Trail, Hennepin, McLeod, and Meeker Counties.** (a) The trail
197.23 shall originate at Gleason Lake in Plymouth Village, Hennepin County, ~~and shall follow~~
197.24 the route of the Chicago Northwestern Railroad, and include a connection to Greenleaf Lake
197.25 State Recreation Area.

197.26 (b) The trail shall be developed for multiuse wherever feasible. The department shall
197.27 cooperate in maintaining its integrity for modes of use consistent with local ordinances.

197.28 (c) In establishing, developing, maintaining, and operating the trail, the commissioner
197.29 shall cooperate with local units of government and private individuals and groups. Before
197.30 acquiring any parcel of land for the trail, the commissioner of natural resources shall develop
197.31 a management program for the parcel and conduct a public hearing on the proposed
198.1 management program in the vicinity of the parcel to be acquired. The management program
198.2 of the commissioner shall include but not be limited to the following:

198.3 (1) ~~fencing of~~ portions of the trail where necessary to protect adjoining landowners; and

198.4 (2) ~~the maintenance of~~ maintaining the trail in a ~~litter-free~~ litter-free condition to the
198.5 extent practicable.

198.6 (d) The commissioner shall not acquire any of the right-of-way of the Chicago
198.7 Northwestern Railway Company until the abandonment of the line described in this
198.8 subdivision has been approved by the Surface Transportation Board or the former Interstate
198.9 Commerce Commission. Compensation, in addition to the value of the land, shall include
198.10 improvements made by the railroad, including but not limited to, bridges, trestles, public
198.11 road crossings, or any portion thereof, it being the desire of the railroad that such
198.12 improvements be included in the conveyance. The fair market value of the land and
198.13 improvements shall be recommended by two independent appraisers mutually agreed upon
198.14 by the parties. The fair market value thus recommended shall be reviewed by a review
198.15 appraiser agreed to by the parties, and the fair market value thus determined, and supported
198.16 by appraisals, may be the purchase price. The commissioner may exchange lands with
198.17 landowners abutting the right-of-way described in this section to eliminate diagonally shaped
198.18 separate fields.

198.19 Sec. 24. Minnesota Statutes 2022, section 85.052, subdivision 6, is amended to read:

198.20 Subd. 6. **State park reservation system.** (a) The commissioner may, by written order,
198.21 develop reasonable reservation policies for ~~campsites and other~~ using camping, lodging,
198.22 and day-use facilities and for tours, educational programs, seminars, events, and rentals.

9.8 Sec. 12. Minnesota Statutes 2022, section 85.015, subdivision 10, is amended to read:

9.9 Subd. 10. **Luce Line Trail, Hennepin, McLeod, and Meeker Counties.** (a) The trail
9.10 shall originate at Gleason Lake in Plymouth Village, Hennepin County, ~~and shall follow~~
9.11 the route of the Chicago Northwestern Railroad, and include a connection to Greenleaf Lake
9.12 State Recreation Area.

9.13 (b) The trail shall be developed for multiuse wherever feasible. The department shall
9.14 cooperate in maintaining its integrity for modes of use consistent with local ordinances.

9.15 (c) In establishing, developing, maintaining, and operating the trail, the commissioner
9.16 shall cooperate with local units of government and private individuals and groups. Before
9.17 acquiring any parcel of land for the trail, the commissioner of natural resources shall develop
9.18 a management program for the parcel and conduct a public hearing on the proposed
9.19 management program in the vicinity of the parcel to be acquired. The management program
9.20 of the commissioner shall include but not be limited to the following:

9.21 (1) ~~fencing of~~ portions of the trail where necessary to protect adjoining landowners; and

9.22 (2) ~~the maintenance of~~ maintaining the trail in a ~~litter-free~~ litter-free condition to the
9.23 extent practicable.

9.24 (d) The commissioner shall not acquire any of the right-of-way of the Chicago
9.25 Northwestern Railway Company until the abandonment of the line described in this
9.26 subdivision has been approved by the Surface Transportation Board or the former Interstate
9.27 Commerce Commission. Compensation, in addition to the value of the land, shall include
9.28 improvements made by the railroad, including but not limited to, bridges, trestles, public
9.29 road crossings, or any portion thereof, it being the desire of the railroad that such
9.30 improvements be included in the conveyance. The fair market value of the land and
9.31 improvements shall be recommended by two independent appraisers mutually agreed upon
9.32 by the parties. The fair market value thus recommended shall be reviewed by a review
10.1 appraiser agreed to by the parties, and the fair market value thus determined, and supported
10.2 by appraisals, may be the purchase price. The commissioner may exchange lands with
10.3 landowners abutting the right-of-way described in this section to eliminate diagonally shaped
10.4 separate fields.

10.5 Sec. 13. Minnesota Statutes 2022, section 85.052, subdivision 6, is amended to read:

10.6 Subd. 6. **State park reservation system.** (a) The commissioner may, by written order,
10.7 develop reasonable reservation policies for ~~campsites and other~~ using camping, lodging,
10.8 and day-use facilities and for tours, educational programs, seminars, events, and rentals.

198.23 The policies are exempt from the rulemaking provisions under chapter 14, and section
198.24 14.386 does not apply.

198.25 (b) The revenue collected from the state park reservation fee established under subdivision
198.26 5, including interest earned, ~~shall~~ must be deposited in the state park account in the natural
198.27 resources fund and is annually appropriated to the commissioner for the cost of operating
198.28 the state park reservation and point-of-sale system.

198.29 Sec. 25. Minnesota Statutes 2022, section 85.055, subdivision 1, is amended to read:

198.30 Subdivision 1. **Fees.** (a) The fee for state park permits for:

198.31 (1) an annual use of state parks is ~~\$35~~ \$45;

198.32 (2) a second or subsequent vehicle state park permit is ~~\$26~~ \$35;

199.1 (3) a state park permit valid for one day is ~~\$7~~ \$10;

199.2 (4) a daily vehicle state park permit for groups is ~~\$5~~ \$8;

199.3 (5) an annual permit for motorcycles is ~~\$30~~ \$40;

199.4 (6) an employee's state park permit is without charge; and

199.5 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,
199.6 paragraph (a), clauses (1) to (3), is ~~\$12~~ \$20.

199.7 (b) The fees specified in this subdivision include any sales tax required by state law.

199.8 Sec. 26. Minnesota Statutes 2022, section 86B.005, is amended by adding a subdivision
199.9 to read:

199.10 Subd. 11a. **Other commercial operation.** "Other commercial operation" means use of
199.11 a watercraft for work, rather than recreation, to transport equipment, goods, and materials
199.12 on public waters.

199.13 Sec. 27. **[86B.30] DEFINITIONS.**

199.14 Subdivision 1. **Applicability.** The definitions in this section apply to sections 86B.30
199.15 to 86B.341.

199.16 Subd. 2. **Accompanying operator.** "Accompanying operator" means a person 21 years
199.17 of age or older who:

199.18 (1) is in a personal watercraft or other type of motorboat;

199.19 (2) is within immediate reach of the controls of the motor; and

199.20 (3) possesses a valid operator's permit or is an exempt operator.

10.9 The policies are exempt from the rulemaking provisions under chapter 14, and section
10.10 14.386 does not apply.

10.11 (b) The revenue collected from the state park reservation fee established under subdivision
10.12 5, including interest earned, ~~shall~~ must be deposited in the state park account in the natural
10.13 resources fund and is annually appropriated to the commissioner for the cost of operating
10.14 the state park reservation and point-of-sale system.

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71.22 Sec. 12. **[86B.30] DEFINITIONS.**

71.23 Subdivision 1. **Applicability.** The definitions in this section apply to sections 86B.30
71.24 to 86B.341.

71.25 Subd. 2. **Accompanying operator.** "Accompanying operator" means a person 21 years
71.26 of age or older who:

71.27 (1) is in a personal watercraft or other type of motorboat;

71.28 (2) is within immediate reach of the controls of the motor; and

71.29 (3) possesses a valid operator's permit or is an exempt operator.

199.21 Subd. 3. **Adult operator.** "Adult operator" means a motorboat operator, including a
199.22 personal watercraft operator, who is 12 years of age or older and who was:

199.23 (1) effective July 1, 2025, born on or after July 1, 2004;
199.24 (2) effective July 1, 2026, born on or after July 1, 2000;
199.25 (3) effective July 1, 2027, born on or after July 1, 1996; and
199.26 (4) effective July 1, 2028, born on or after July 1, 1987.

199.27 Subd. 4. **Exempt operator.** "Exempt operator" means a motorboat operator, including
199.28 a personal watercraft operator, who is 12 years of age or older and who:

200.1 (1) possesses a valid license to operate a motorboat issued for maritime personnel by
200.2 the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a
200.3 marine certificate issued by the Canadian government;

200.4 (2) is not a resident of the state, is temporarily using the waters of the state for a period
200.5 not to exceed 60 days, and:

200.6 (i) meets any applicable requirements of the state or country of residency; or
200.7 (ii) possesses a Canadian pleasure craft operator's card;

200.8 (3) is operating a motorboat under a dealer's license according to section 86B.405; or
200.9 (4) is operating a motorboat during an emergency.

200.10 Subd. 5. **Motorboat rental business.** "Motorboat rental business" means a person
200.11 engaged in the business of renting or leasing motorboats, including personal watercraft, for
200.12 a period not exceeding 30 days. Motorboat rental business includes a person's agents and
200.13 employees but does not include a resort business.

200.14 Subd. 6. **Resort business.** "Resort business" means a person engaged in the business of
200.15 providing lodging and recreational services to transient guests and classified as a resort
200.16 under section 273.13, subdivision 22 or 25. A resort business includes a person's agents and
200.17 employees.

200.18 Subd. 7. **Young operator.** "Young operator" means a motorboat operator, including a
200.19 personal watercraft operator, younger than 12 years of age.

200.20 **EFFECTIVE DATE.** This section is effective July 1, 2025.

200.21 Sec. 28. **[86B.302] WATERCRAFT OPERATOR'S PERMIT.**

200.22 Subdivision 1. **Generally.** The commissioner must issue a watercraft operator's permit
200.23 to a person 12 years of age or older who successfully completes a water safety course and
200.24 written test according to section 86B.304, paragraph (a), or who provides proof of completing

71.30 Subd. 3. **Adult operator.** "Adult operator" means a motorboat operator, including a
71.31 personal watercraft operator, who is 12 years of age or older and who was:

72.1 (1) effective July 1, 2025, born on or after July 1, 2004;
72.2 (2) effective July 1, 2026, born on or after July 1, 2000;
72.3 (3) effective July 1, 2027, born on or after July 1, 1996; and
72.4 (4) effective July 2, 2028, born on or after July 2, 1987.

72.5 Subd. 4. **Exempt operator.** "Exempt operator" means a motorboat operator, including
72.6 a personal watercraft operator, who is 12 years of age or older and who:

72.7 (1) possesses a valid license to operate a motorboat issued for maritime personnel by
72.8 the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a
72.9 marine certificate issued by the Canadian government;

72.10 (2) is not a resident of the state, is temporarily using the waters of the state for a period
72.11 not to exceed 60 days, and:

72.12 (i) meets any applicable requirements of the state or country of residency; or
72.13 (ii) possesses a Canadian pleasure craft operator's card;

72.14 (3) is operating a motorboat under a dealer's license according to section 86B.405; or
72.15 (4) is operating a motorboat during an emergency.

72.16 Subd. 5. **Motorboat rental business.** "Motorboat rental business" means a person
72.17 engaged in the business of renting or leasing motorboats, including personal watercraft, for
72.18 a period not exceeding 30 days. Motorboat rental business includes a person's agents and
72.19 employees but does not include a resort business.

72.20 Subd. 6. **Resort business.** "Resort business" means a person engaged in the business of
72.21 providing lodging and recreational services to transient guests classified as a resort under
72.22 section 273.13, subdivision 22 or 25. A resort business includes a person's agents and
72.23 employees.

72.24 Subd. 7. **Young operator.** "Young operator" means a motorboat operator, including a
72.25 personal watercraft operator, younger than 12 years of age.

72.26 **EFFECTIVE DATE.** This section is effective July 1, 2025.

72.27 Sec. 13. **[86B.302] WATERCRAFT OPERATOR'S PERMIT.**

72.28 Subdivision 1. **Generally.** The commissioner must issue a watercraft operator's permit
72.29 to a person 12 years of age or older who successfully completes a water safety course and
72.30 written test according to section 86B.304, paragraph (a), or who provides proof of completing

200.25 a program subject to a reciprocity agreement or certified by the commissioner as substantially
200.26 similar.

200.27 Subd. 2. **Issuing permit to certain young operators.** The commissioner may issue a
200.28 permit under this section to a person who is at least 11 years of age, but the permit is not
200.29 valid until the person becomes an adult operator.

200.30 Subd. 3. **Personal possession required.** (a) A person who is required to have a watercraft
200.31 operator's permit must have in personal possession:

201.1 (1) a valid watercraft operator's permit;

201.2 (2) a driver's license that has a valid watercraft operator's permit indicator issued under
201.3 section 171.07, subdivision 20; or

201.4 (3) an identification card that has a valid watercraft operator's permit indicator issued
201.5 under section 171.07, subdivision 20.

201.6 (b) A person who is required to have a watercraft operator's permit must display one of
201.7 the documents described in paragraph (a) to a conservation officer or peace officer upon
201.8 request.

201.9 Subd. 4. **Using electronic device to display proof of permit.** If a person uses an
201.10 electronic device to display a document described in subdivision 3 to a conservation officer
201.11 or peace officer:

201.12 (1) the officer is immune from liability for any damage to the device, unless the officer
201.13 does not exercise due care in handling the device; and

201.14 (2) this does not constitute consent for the officer to access other contents on the device.

201.15 **EFFECTIVE DATE.** This section is effective July 1, 2025.

201.16 Sec. 29. **[86B.303] OPERATING PERSONAL WATERCRAFT AND OTHER**
201.17 **MOTORBOATS.**

201.18 Subdivision 1. **Adult operators.** An adult operator may not operate a motorboat,
201.19 including a personal watercraft, unless:

201.20 (1) the adult operator possesses a valid watercraft operator's permit;

201.21 (2) the adult operator is an exempt operator; or

201.22 (3) an accompanying operator is in the motorboat.

201.23 Subd. 2. **Young operators.** A young operator may not operate a motorboat, including
201.24 a personal watercraft, unless there is an accompanying operator in the boat or in case of an
201.25 emergency.

73.1 a program subject to a reciprocity agreement or certified by the commissioner as substantially
73.2 similar.

73.3 Subd. 2. **Issuing permit to certain young operators.** The commissioner may issue a
73.4 permit under this section to a person who is at least 11 years of age, but the permit is not
73.5 valid until the person becomes an adult operator.

73.6 Subd. 3. **Personal possession required.** (a) A person who is required to have a watercraft
73.7 operator's permit must have in personal possession:

73.8 (1) a valid watercraft operator's permit;

73.9 (2) a driver's license that has a valid watercraft operator's permit indicator issued under
73.10 section 171.07, subdivision 20; or

73.11 (3) an identification card that has a valid watercraft operator's permit indicator issued
73.12 under section 171.07, subdivision 20.

73.13 (b) A person who is required to have a watercraft operator's permit must display one of
73.14 the documents described in paragraph (a) to a conservation officer or peace officer upon
73.15 request.

73.16 Subd. 4. **Using electronic device to display proof of permit.** If a person uses an
73.17 electronic device to display a document described in subdivision 3 to a conservation officer
73.18 or peace officer:

73.19 (1) the officer is immune from liability for any damage to the device, unless the officer
73.20 does not exercise due care in handling the device; and

73.21 (2) this does not constitute consent for the officer to access other contents on the device.

73.22 **EFFECTIVE DATE.** This section is effective July 1, 2025.

73.23 Sec. 14. **[86B.303] OPERATING PERSONAL WATERCRAFT AND OTHER**
73.24 **MOTORBOATS.**

73.25 Subdivision 1. **Adult operators.** An adult operator may not operate a motorboat,
73.26 including a personal watercraft, unless:

73.27 (1) the adult operator possesses a valid watercraft operator's permit;

73.28 (2) the adult operator is an exempt operator; or

73.29 (3) an accompanying operator is in the motorboat.

74.1 Subd. 2. **Young operators.** (a) A young operator may not operate a personal watercraft
74.2 or any motorboat powered by a motor with a factory rating of more than 75 horsepower.

201.26 Subd. 3. **Accompanying operators.** For purposes of this section and section 169A.20,
201.27 an accompanying operator, as well as the actual operator, is operating and is in physical
201.28 control of a motorboat.

201.29 Subd. 4. **Owners may not allow unlawful use.** An owner or other person in lawful
201.30 control of a motorboat may not allow the motorboat to be operated contrary to this section.

202.1 **EFFECTIVE DATE.** This section is effective July 1, 2025.

202.2 Sec. 30. **[86B.304] WATERCRAFT SAFETY PROGRAM.**

202.3 (a) The commissioner must establish a water safety course and testing program for
202.4 personal watercraft and watercraft operators and must prescribe a written test as part of the
202.5 course. The course must be approved by the National Association of State Boating Law
202.6 Administrators and must be available online. The commissioner may allow designated water
202.7 safety courses administered by third parties to meet the requirements of this paragraph and
202.8 may enter into reciprocity agreements or otherwise certify boat safety education programs
202.9 from other states that are substantially similar to in-state programs. The commissioner must
202.10 establish a working group of interested parties to develop course content and implementation.
202.11 The course must include content on best management practices for mitigating aquatic
202.12 invasive species, reducing conflicts among user groups, and limiting the ecological impacts
202.13 of watercraft.

202.14 (b) The commissioner must create or designate a short boater safety examination to be
202.15 administered by motorboat rental businesses, as required by section 86B.306, subdivision
202.16 3. The examination developed under this paragraph must be one that can be administered
202.17 electronically or on paper, at the option of the motorboat rental business administering the
202.18 examination.

202.19 **EFFECTIVE DATE.** This section is effective July 1, 2025.

202.20 Sec. 31. **[86B.306] MOTORBOAT RENTAL BUSINESSES.**

202.21 Subdivision 1. **Requirements.** A motorboat rental business must not rent or lease a
202.22 motorboat, including a personal watercraft, to any person for operation on waters of this
202.23 state unless the renter or lessee:

202.24 (1) has a valid watercraft operator's permit or is an exempt operator; and

74.3 (b) A young operator may operate a motorboat that is not a personal watercraft and that
74.4 is powered by a motor with a factory rating of less than 75 horsepower if an accompanying
74.5 operator is in the motorboat.

74.6 Subd. 3. **Accompanying operators.** For purposes of this section and section 169A.20,
74.7 an accompanying operator, as well as the actual operator, is operating and is in physical
74.8 control of a motorboat.

74.9 Subd. 4. **Owners may not allow unlawful use.** An owner or other person in lawful
74.10 control of a motorboat may not allow the motorboat to be operated contrary to this section.

74.11 Subd. 5. **Exception for low-powered motorboats.** Notwithstanding the other provisions
74.12 of this section, a person of any age may operate a motorboat that is not a personal watercraft
74.13 that is powered by a motor with a factory rating of 25 horsepower or less without possessing
74.14 a valid watercraft operator's permit and without an accompanying operator in the motorboat.

74.15 **EFFECTIVE DATE.** This section is effective July 1, 2025.

74.16 Sec. 15. **[86B.304] WATERCRAFT SAFETY PROGRAM.**

74.17 (a) The commissioner must establish a water safety course and testing program for
74.18 personal watercraft and watercraft operators and must prescribe a written test as part of the
74.19 course. The course must be approved by the National Association of State Boating Law
74.20 Administrators and must be available online. The commissioner may allow designated water
74.21 safety courses administered by third parties to meet the requirements of this paragraph and
74.22 may enter into reciprocity agreements or otherwise certify boat safety education programs
74.23 from other states that are substantially similar to in-state programs. The commissioner must
74.24 establish a working group of interested parties to develop course content and implementation.
74.25 The course must include content on best management practices for mitigating aquatic
74.26 invasive species, reducing conflicts among user groups, and limiting the ecological impacts
74.27 of watercraft.

74.28 (b) The commissioner must create or designate a short boater safety examination to be
74.29 administered by motorboat rental businesses, as required by section 86B.306, subdivision
74.30 3. The examination developed under this paragraph must be one that can be administered
74.31 electronically or on paper, at the option of the motorboat rental business administering the
74.32 examination.

74.33 **EFFECTIVE DATE.** This section is effective July 1, 2025.

75.1 Sec. 16. **[86B.306] MOTORBOAT RENTAL BUSINESSES.**

75.2 Subdivision 1. **Requirements.** A motorboat rental business must not rent or lease a
75.3 motorboat, including a personal watercraft, to any person for operation on waters of this
75.4 state unless the renter or lessee:

75.5 (1) has a valid watercraft operator's permit or is an exempt operator; and

202.25 (2) is 18 years of age or older.

202.26 Subd. 2. **Authorized operators.** A motorboat rental business must list on each motorboat

202.27 rental or lease agreement the name and age of each operator who is authorized to operate

202.28 the motorboat or personal watercraft. The renter or lessee of the motorboat must ensure that

202.29 only listed authorized operators operate the motorboat or personal watercraft.

202.30 Subd. 3. **Summary of boating regulations; examination.** (a) A motorboat rental

202.31 business must provide each authorized operator a summary of the statutes and rules governing

203.1 operation of motorboats and personal watercraft in the state and instructions for safe

203.2 operation.

203.3 (b) Each authorized operator, other than those holding a valid watercraft operator's permit

203.4 or an exempt operator, must review the summary provided under this subdivision and must

203.5 take a short boater safety examination in a form approved by the commissioner before the

203.6 motorboat or personal watercraft leaves the motorboat rental business premises, unless the

203.7 authorized operator has taken the examination during the previous 180 days.

203.8 Subd. 4. **Safety equipment for personal watercraft.** A motorboat rental business must

203.9 provide to all persons who rent a personal watercraft, at no additional cost, a United States

203.10 Coast Guard (USCG) approved wearable personal flotation device with a USCG label

203.11 indicating it either is approved for or does not prohibit use with personal watercraft or

203.12 water-skiing and any other required safety equipment.

203.13 **EFFECTIVE DATE.** This section is effective July 1, 2025.

203.14 Sec. 32. Minnesota Statutes 2022, section 86B.313, subdivision 4, is amended to read:

203.15 Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall

203.16 distribute a summary of the laws and rules governing the operation of personal watercraft

203.17 and, upon request, shall provide instruction to a purchaser regarding:

203.18 (1) the laws and rules governing personal watercraft; and

203.19 (2) the safe operation of personal watercraft.

203.20 (b) ~~A person who offers personal watercraft for rent:~~

203.21 ~~(1) shall provide a summary of the laws and rules governing the operation of personal~~

203.22 ~~watercraft and provide instruction regarding the laws and rules and the safe operation of~~

203.23 ~~personal watercraft to each person renting a personal watercraft;~~

203.24 ~~(2) shall provide a United States Coast Guard (USCG) approved wearable personal~~

203.25 ~~flotation device with a USCG label indicating it either is approved for or does not prohibit~~

203.26 ~~use with personal watercraft or water-skiing and any other required safety equipment to all~~

203.27 ~~persons who rent a personal watercraft at no additional cost; and~~

75.6 (2) is 18 years of age or older.

75.7 Subd. 2. **Authorized operators.** A motorboat rental business must list on each motorboat

75.8 rental or lease agreement the name and age of each operator who is authorized to operate

75.9 the motorboat or personal watercraft. The renter or lessee of the motorboat must ensure that

75.10 only listed authorized operators operate the motorboat or personal watercraft.

75.11 Subd. 3. **Summary of boating regulations; examination.** (a) A motorboat rental

75.12 business must provide each authorized operator a summary of the statutes and rules governing

75.13 operation of motorboats and personal watercraft in the state and instructions for safe

75.14 operation.

75.15 (b) Each authorized operator must review the summary provided under this subdivision

75.16 and must take a short boater safety examination in a form approved by the commissioner

75.17 before the motorboat or personal watercraft leaves the motorboat rental business premises,

75.18 unless the authorized operator has taken the examination during the previous 60 days.

75.19 Subd. 4. **Safety equipment for personal watercraft.** A motorboat rental business must

75.20 provide to all persons who rent a personal watercraft, at no additional cost, a United States

75.21 Coast Guard (USCG) approved wearable personal flotation device with a USCG label

75.22 indicating it either is approved for or does not prohibit use with personal watercraft or

75.23 water-skiing and any other required safety equipment.

75.24 **EFFECTIVE DATE.** This section is effective July 1, 2025.

75.25 Sec. 17. Minnesota Statutes 2022, section 86B.313, subdivision 4, is amended to read:

75.26 Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall

75.27 distribute a summary of the laws and rules governing the operation of personal watercraft

75.28 and, upon request, shall provide instruction to a purchaser regarding:

75.29 (1) the laws and rules governing personal watercraft; and

75.30 (2) the safe operation of personal watercraft.

75.31 (b) ~~A person who offers personal watercraft for rent:~~

76.1 ~~(1) shall provide a summary of the laws and rules governing the operation of personal~~

76.2 ~~watercraft and provide instruction regarding the laws and rules and the safe operation of~~

76.3 ~~personal watercraft to each person renting a personal watercraft;~~

76.4 ~~(2) shall provide a United States Coast Guard (USCG) approved wearable personal~~

76.5 ~~flotation device with a USCG label indicating it either is approved for or does not prohibit~~

76.6 ~~use with personal watercraft or water-skiing and any other required safety equipment to all~~

76.7 ~~persons who rent a personal watercraft at no additional cost; and~~

203.28 ~~(2) shall require that a watercraft operator's permit from this state or from the operator's~~
203.29 ~~state of residence be shown each time a personal watercraft is rented to any person younger~~
203.30 ~~than age 18 and shall record the permit on the form provided by the commissioner.~~

203.31 ~~(e) Each dealer of personal watercraft or person offering personal watercraft for rent~~
203.32 ~~shall have the person who purchases or rents a personal watercraft sign a form provided by~~
204.1 ~~the commissioner acknowledging that the purchaser or renter has been provided a copy of~~
204.2 ~~the laws and rules regarding personal watercraft operation and has read them. The form~~
204.3 ~~must be retained by the dealer or person offering personal watercraft for rent for a period~~
204.4 ~~of six months following the date of signature and must be made available for inspection by~~
204.5 ~~sheriff's deputies or conservation officers during normal business hours.~~

204.6 EFFECTIVE DATE. This section is effective July 1, 2025.

204.7 Sec. 33. Minnesota Statutes 2022, section 86B.415, subdivision 1, is amended to read:

204.8 Subdivision 1. **Watercraft 19 feet or less.** (a) Except as provided in paragraph (b) and
204.9 ~~subdivision 1a, the fee for a watercraft license for watercraft 19 feet or less in length is \$27~~
204.10 ~~\$59.~~

204.11 (b) The watercraft license fee is:

204.12 (1) for watercraft, other than personal watercraft, 19 feet in length or less that is offered
204.13 ~~for rent or lease, the fee is \$9 \$14;~~

204.14 (2) for a sailboat, 19 feet in length or less, ~~the fee is \$10.50 \$23;~~

204.15 (3) for a watercraft 19 feet in length or less used by a nonprofit corporation for teaching
204.16 ~~boat and water safety, the fee is as provided in subdivision 4;~~

204.17 (4) for a watercraft owned by a dealer under a dealer's license, ~~the fee is as provided in~~
204.18 ~~subdivision 5;~~

204.19 (5) for a personal watercraft, ~~the fee is \$37.50~~ including one offered for rent or lease,
204.20 ~~\$85; and~~

204.21 (6) for a watercraft less than 17 feet in length, other than a watercraft listed in clauses
204.22 ~~(1) to (5), the fee is \$18 \$36.~~

204.23 Sec. 34. Minnesota Statutes 2022, section 86B.415, subdivision 1a, is amended to read:

204.24 Subd. 1a. **Canoes, kayaks, sailboards, paddleboards, paddleboats, or rowing**
204.25 ~~shells.~~ The fee for a watercraft license for a canoe, kayak, sailboard, paddleboard, paddleboat,
204.26 ~~or rowing shell over ten feet in length is \$10.50 \$23.~~

204.27 Sec. 35. Minnesota Statutes 2022, section 86B.415, subdivision 2, is amended to read:

204.28 Subd. 2. **Watercraft over 19 feet.** Except as provided in subdivisions 1a, 3, 4, and 5,
204.29 ~~the watercraft license fee:~~

76.8 ~~(2) shall require that a watercraft operator's permit from this state or from the operator's~~
76.9 ~~state of residence be shown each time a personal watercraft is rented to any person younger~~
76.10 ~~than age 18 and shall record the permit on the form provided by the commissioner.~~

76.11 ~~(e) Each dealer of personal watercraft or person offering personal watercraft for rent~~
76.12 ~~shall have the person who purchases or rents a personal watercraft sign a form provided by~~
76.13 ~~the commissioner acknowledging that the purchaser or renter has been provided a copy of~~
76.14 ~~the laws and rules regarding personal watercraft operation and has read them. The form~~
76.15 ~~must be retained by the dealer or person offering personal watercraft for rent for a period~~
76.16 ~~of six months following the date of signature and must be made available for inspection by~~
76.17 ~~sheriff's deputies or conservation officers during normal business hours.~~

76.18 EFFECTIVE DATE. This section is effective July 1, 2025.

- 204.30 (1) for a watercraft more than 19 feet but less than 26 feet in length is ~~\$45~~ \$113;
- 205.1 (2) for a watercraft 26 feet but less than 40 feet in length is ~~\$67.50~~ \$164; and
- 205.2 (3) for a watercraft 40 feet in length or longer is ~~\$90~~ \$209.
- 205.3 Sec. 36. Minnesota Statutes 2022, section 86B.415, subdivision 3, is amended to read:
- 205.4 Subd. 3. **Watercraft over 19 feet for hire commercial use.** The license fee for a
- 205.5 watercraft ~~more than 19 feet in length for hire with an operator~~ used primarily for charter
- 205.6 fishing, commercial fishing, commercial passenger carrying, or other commercial operation
- 205.7 is ~~\$75~~ \$164 each.
- 205.8 Sec. 37. Minnesota Statutes 2022, section 86B.415, subdivision 4, is amended to read:
- 205.9 Subd. 4. **Watercraft used by nonprofit corporation for teaching.** The watercraft
- 205.10 license fee for a watercraft used by a nonprofit organization for teaching boat and water
- 205.11 safety is ~~\$4.50~~ \$8 each.
- 205.12 Sec. 38. Minnesota Statutes 2022, section 86B.415, subdivision 5, is amended to read:
- 205.13 Subd. 5. **Dealer's license.** There is no separate fee for watercraft owned by a dealer
- 205.14 under a dealer's license. The fee for a dealer's license is ~~\$67.50~~ \$142.
- 205.15 Sec. 39. Minnesota Statutes 2022, section 86B.415, subdivision 7, is amended to read:
- 205.16 Subd. 7. **Watercraft surcharge.** A ~~\$10.60~~ \$20 surcharge is placed on each watercraft
- 205.17 licensed under subdivisions 1 to 5 for control, public awareness, law enforcement, monitoring,
- 205.18 and research of aquatic invasive species such as zebra mussel, purple loosestrife, and Eurasian
- 205.19 watermilfoil in public waters and public wetlands.
- 205.20 Sec. 40. **[88.83] EMERALD ASH BORER RESPONSE.**
- 205.21 Subdivision 1. **Purpose.** The legislature finds that an epidemic of an invasive plant pest,
- 205.22 the emerald ash borer, is occurring in Minnesota, threatening the natural environment, and
- 205.23 generating large volumes of wood waste from ash trees. Immediate action is therefore
- 205.24 necessary to provide funding to assist local units of government with treating, removing,
- 205.25 and replacing ash trees in response to emerald ash borer infestations and managing the
- 205.26 resulting wood waste and to preserve existing biomass energy infrastructure that is critical
- 205.27 to support local and regional emerald ash borer response programs.
- 205.28 Subd. 2. **Establishment.** The commissioner must establish a program to:
- 206.1 (1) provide state matching grants to assist communities with treating, removing, and
- 206.2 replacing ash trees in response to the emerald ash borer epidemic and managing wood waste,
- 206.3 including the remains of ash trees removed in response to the epidemic; and
- 206.4 (2) identify and designate existing biomass energy facilities that are critical infrastructure
- 206.5 for local and regional emerald ash borer response programs.

206.6 Subd. 3. **Eligible applicants.** The commissioner may award grants under this section
206.7 to:

206.8 (1) local units of government, including cities, counties, regional authorities, joint powers
206.9 boards, towns, and parks and recreation boards in cities of the first class that are responding
206.10 or actively preparing to respond to an emerald ash borer infestation; and

206.11 (2) a Minnesota nonprofit corporation that owns a cogeneration facility that serves a St.
206.12 Paul district heating and cooling system.

206.13 Subd. 4. **Eligible expenditures.** Local units of government are eligible for matching
206.14 grants of up to 50 percent of costs incurred to properly manage, transport, process, and
206.15 dispose of wood waste containing ash tree material, including reuse and higher-value
206.16 applications, wood waste storage yards, and costs associated with processing wood waste
206.17 into usable biomass fuel and transporting it to designated biomass energy facilities. A
206.18 Minnesota nonprofit corporation that owns a biomass-fueled combined heat and power plant
206.19 serving a district heating system is eligible for grants of up to \$20 per ton of processed
206.20 biomass fuel containing wood waste from ash trees processed in response to the emerald
206.21 ash borer epidemic. The commissioner may require the nonprofit corporation to charge a
206.22 fee per ton of ash tree wood waste delivered to the facility.

206.23 Subd. 5. **Reporting.** A nonprofit corporation receiving a grant under this section must
206.24 compile a quarterly report on the volume of wood waste utilized as fuel at the facility using
206.25 the same method used to compile the annual utilization of wood fuel for the Pollution Control
206.26 Agency's annual emission inventory report required under Minnesota Rules, part 7019.3000,
206.27 and must submit the information to the commissioner every three months beginning 120
206.28 days after the nonprofit corporation is eligible to receive grants.

206.29 Sec. 41. **[88.85] LOWLAND CONIFER CARBON RESERVE.**

206.30 Subdivision 1. **Definition.** For the purposes of this section, "lowland conifer stands"
206.31 means treed wetlands that occur on mucky mineral or wet organic soils. Lowland conifer
206.32 stands include black spruce, tamarack, and white cedar cover types, including stagnant
206.33 stands. These cover types include three wetland forest systems:

207.1 (1) wet forest system;

207.2 (2) rich forested peatland system; and

207.3 (3) acid peatland system.

207.4 Subd. 2. **Establishment.** (a) The Lowland Conifer Carbon Reserve is established to
207.5 mitigate climate change and protect ecologically unique areas. It includes all stands in the
207.6 state forest system identified as lowland conifer stands under this section and includes the
207.7 distribution of underlying peatlands associated with or adjoining each stand.

207.8 (b) By January 1, 2024, the commissioner must designate and list the areas included in
207.9 the Lowland Conifer Carbon Reserve and submit a report with the designated list to the

207.10 chairs and ranking minority members of the legislative committees and divisions with
207.11 jurisdiction over environment and natural resources.

207.12 (c) By July 1, 2024, the commissioner must prepare maps locating the areas identified
207.13 under paragraph (b); provide, to the extent possible, legal descriptions of each area; and
207.14 submit the maps and legal descriptions to the chairs and ranking minority members of the
207.15 legislative committees and divisions with jurisdiction over environment and natural resources.

207.16 Subd. 3. **Carbon sequestration; reports.** (a) By January 1, 2025, the commissioner
207.17 must prepare and submit a report to the chairs and ranking minority members of the
207.18 legislative committees and divisions with jurisdiction over environment and natural resources
207.19 with a list of all stands in the Lowland Conifer Carbon Reserve that are 90 years of age or
207.20 older and an estimate of the tons of carbon sequestered in the boles of the trees in these
207.21 stands. The commissioner must update and submit the report to the chairs and ranking
207.22 minority members every five years thereafter.

207.23 (b) By January 1, 2025, the commissioner must prepare and submit a report to the chairs
207.24 and ranking minority members of the legislative committees and divisions with jurisdiction
207.25 over environment and natural resources identifying any bogs and peatlands in the Lowland
207.26 Conifer Carbon Reserve and an estimate of the tons of carbon sequestered in the peat.

207.27 Subd. 4. **Productive stands; report.** By January 1, 2025, the commissioner must prepare
207.28 and submit a report to the chairs and ranking minority members of the legislative committees
207.29 and divisions with jurisdiction over environment and natural resources with a list and map
207.30 showing all productive stands in the Lowland Conifer Carbon Reserve and identify which
207.31 stands were harvested within the five years preceding establishment of the Lowland Conifer
207.32 Carbon Reserve. By January 15 each year thereafter, the commissioner must update the list
207.33 showing the most recent harvest year and species harvested and submit the list in a report
208.1 to the chairs and ranking minority members of the legislative committees and divisions with
208.2 jurisdiction over environment and natural resources finance and policy.

208.3 Subd. 5. **Timber harvesting restrictions.** (a) The commissioner may issue a timber
208.4 permit to harvest a stand in the Lowland Conifer Carbon Reserve only if:

208.5 (1) the stand is less than 90 years of age; and

208.6 (2) the stand is accessible to heavy logging equipment as determined by the commissioner.

208.7 (b) For stands accessible for only part of the year, trees may be harvested only during
208.8 the times the stand is accessible as determined by the commissioner.

208.9 Subd. 6. **Peat harvesting restrictions.** (a) A person may not harvest peat in the Lowland
208.10 Conifer Carbon Reserve.

208.11 (b) This subdivision does not apply to peat harvested under a permit issued before the
208.12 peat was included in the Lowland Conifer Carbon Reserve.

208.13 Subd. 7. **Management.** To the extent possible, the commissioner must passively manage
208.14 stands in the Lowland Conifer Carbon Reserve. Regeneration of harvested stands in the
208.15 Lowland Conifer Carbon Reserve must be done naturally.

208.16 Subd. 8. **Drained lands.** The commissioner must identify lands in the Lowland Conifer
208.17 Carbon Reserve that were drained for agricultural purposes but forfeited to the state for
208.18 nonpayment of taxes. The commissioner must make reasonable efforts to restore the lands
208.19 to their original hydrological condition, such as blocking or filling active drain pipes, tiles,
208.20 or ditches on the lands.

208.21 Subd. 9. **School trust lands.** The commissioner must compensate the permanent school
208.22 fund for school trust lands in the Lowland Conifer Carbon Reserve. To the extent funding
208.23 is available under section 16A.152, subdivision 2, and other sources, the commissioner must
208.24 extinguish the school trust interest of lands as provided under section 92.83. Payments for
208.25 school trust lands without commercial value must be compensated at an amount equal to
208.26 \$500 per acre. Payments for school trust lands with commercial value must be compensated
208.27 at a rate agreed to by the commissioner and the school trust lands director for each parcel,
208.28 with a parcel comprising a single stand or multiple adjoining stands.

208.29 Subd. 10. **Existing contracts and legislation.** Obligations, including permits, leases,
208.30 and legislative directives, that are in effect before designation of the Lowland Conifer Carbon
208.31 Reserve are not impacted by this section and continue until they expire or are removed.

208.32 Subd. 11. **Sunset.** This section expires December 31, 2099.

209.1 Sec. 42. Minnesota Statutes 2022, section 89A.03, subdivision 5, is amended to read:

209.2 Subd. 5. **Membership regulation.** Terms, compensation, nomination, appointment, and
209.3 removal of council members are governed by section 15.059, except that a council member
209.4 may be compensated at the rate of up to \$125 a day.

209.5 Sec. 43. Minnesota Statutes 2022, section 90.181, subdivision 2, is amended to read:

209.6 Subd. 2. **Deferred payments.** (a) If the amount of the statement is not paid or the payment
209.7 is not postmarked within 30 days of the statement date thereof, it shall bear, the amount
209.8 bears interest at the rate determined pursuant to section 16A.124, except that the purchaser
209.9 shall not be is not required to pay interest that totals \$1 or less. If the amount is not paid
209.10 within 60 days, the commissioner shall place the account in the hands of the commissioner

S2904-2

10.15 Sec. 14. Minnesota Statutes 2022, section 89A.11, is amended to read:

10.16 **89A.11 SUNSET.**

10.17 Sections 89A.01; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07; 89A.08; 89A.09;
10.18 89A.10; 89A.105; and 89A.11 expire June 30, 2028 2033.

10.19 Sec. 15. Minnesota Statutes 2022, section 90.181, subdivision 2, is amended to read:

10.20 Subd. 2. **Deferred payments.** (a) If the amount of the statement is not paid or the payment
10.21 is not postmarked within 30 days of the statement date thereof, it shall bear, the amount
10.22 bears interest at the rate determined pursuant to section 16A.124, except that the purchaser
10.23 shall not be is not required to pay interest that totals \$1 or less. If the amount is not paid
10.24 within 60 days, the commissioner shall place the account in the hands of the commissioner

209.11 of revenue according to chapter 16D, who shall proceed to collect the ~~same amount due~~.
209.12 When deemed in the best interests of the state, the commissioner shall take possession of
209.13 the timber for which an amount is due wherever it may be found and sell the ~~same timber~~
209.14 informally or at public auction after giving reasonable notice.

209.15 (b) The proceeds of the sale ~~shall must~~ be applied, first, to the payment of the expenses
209.16 of seizure and sale; and, second, to the payment of the amount due for the timber, with
209.17 interest; ~~and~~. The surplus, if any, ~~shall belong belongs~~ to the state; ~~and~~. In case a sufficient
209.18 amount is not realized to pay these amounts in full, the balance ~~shall must~~ be collected by
209.19 the attorney general. ~~Neither~~ Payment of the amount, ~~nor the~~ recovery of judgment ~~therefor~~
209.20 ~~for the amount, nor~~ satisfaction of the judgment, ~~nor the~~ or seizure and sale of timber, ~~shall~~
209.21 ~~does not~~:

209.22 (1) release the sureties on any security deposit given pursuant to this chapter, ~~or~~;

209.23 (2) preclude the state from afterwards claiming that the timber was cut or removed
209.24 contrary to law and recovering damages for the trespass thereby committed; or

209.25 (3) preclude the state from prosecuting the offender criminally.

10.25 of revenue according to chapter 16D, who shall proceed to collect the ~~same amount due~~.
10.26 When deemed in the best interests of the state, the commissioner shall take possession of
10.27 the timber for which an amount is due wherever it may be found and sell the ~~same timber~~
10.28 informally or at public auction after giving reasonable notice.

10.29 (b) The proceeds of the sale ~~shall must~~ be applied, first, to the payment of the expenses
10.30 of seizure and sale; and, second, to the payment of the amount due for the timber, with
10.31 interest; ~~and~~. The surplus, if any, ~~shall belong belongs~~ to the state; ~~and~~. In case a sufficient
10.32 amount is not realized to pay these amounts in full, the balance ~~shall must~~ be collected by
11.1 the attorney general. ~~Neither~~ Payment of the amount, ~~nor the~~ recovery of judgment ~~therefor~~
11.2 ~~for the amount, nor~~ satisfaction of the judgment, ~~nor the~~ or seizure and sale of timber, ~~shall~~
11.3 ~~does not~~:

11.4 (1) release the sureties on any security deposit given pursuant to this chapter, ~~or~~;

11.5 (2) preclude the state from afterwards claiming that the timber was cut or removed
11.6 contrary to law and recovering damages for the trespass thereby committed; or

11.7 (3) preclude the state from prosecuting the offender criminally.

UEH2310-2

76.19 Sec. 18. Minnesota Statutes 2022, section 93.001, is amended to read:

76.20 **93.001 MINNESOTA IS A MINING-FRIENDLY STATE; POLICY FOR**
76.21 **MINERAL DEVELOPMENT.**

76.22 Minnesota is a mining-friendly state. It is the policy of the state to provide for the
76.23 diversification of the state's mineral economy through long-term support of mineral
76.24 exploration, evaluation, environmental research, development, production, and
76.25 commercialization.

S2904-2

11.8 Sec. 16. Minnesota Statutes 2022, section 97A.015, subdivision 29, is amended to read:

11.9 Subd. 29. **Minnows.** "Minnows" means:

11.10 (1) members of the minnow family, Cyprinidae, except carp and goldfish;

11.11 (2) members of the mudminnow family, Umbridae;

11.12 (3) members of the sucker family, Catostomidae, not over 12 inches in length;

11.13 (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches
11.14 long;

11.15 (5) leeches; and

11.16 (6) tadpole madtoms (willow cats) and stonecats.

209.26 Sec. 44. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision
209.27 to read:

209.28 Subd. 32b. **Native swan.** "Native swan" means a trumpeter swan or a tundra swan but
209.29 does not include a mute swan.

210.1 Sec. 45. Minnesota Statutes 2022, section 97A.015, subdivision 51, is amended to read:

210.2 Subd. 51. **Unloaded.** "Unloaded" means, with reference to a firearm, without ammunition
210.3 in the barrels and magazine, if the magazine is in the firearm. A muzzle-loading firearm
210.4 with is unloaded if:

210.5 (1) for a flintlock ignition is unloaded if, it does not have priming powder in a pan. ~~A~~
210.6 muzzle-loading firearm with;

210.7 (2) for a percussion ignition is unloaded if, it does not have a percussion cap on a nipple;

210.8 (3) for an electronic ignition system, the battery is removed and is disconnected from
210.9 the firearm; and

210.10 (4) for an encapsulated powder charge ignition system, the primer and powder charge
210.11 are removed from the firearm.

210.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

210.13 Sec. 46. Minnesota Statutes 2022, section 97A.031, is amended to read:

210.14 **97A.031 WANTON WASTE.**

210.15 (a) Unless expressly allowed, a person may not wantonly waste or destroy a usable part
210.16 of a protected wild animal.

210.17 (b) This section does not apply to common carp.

11.17 Sec. 17. Minnesota Statutes 2022, section 97A.015, subdivision 51, is amended to read:

11.18 Subd. 51. **Unloaded.** "Unloaded" means, with reference to a firearm, without ammunition
11.19 in the barrels and magazine, if the magazine is in the firearm. A muzzle-loading firearm
11.20 with is unloaded if:

11.21 (1) for a flintlock ignition is unloaded if, it does not have priming powder in a pan. ~~A~~
11.22 muzzle-loading firearm with;

11.23 (2) for a percussion ignition is unloaded if, it does not have a percussion cap on a nipple;

11.24 (3) for an electronic ignition system, the battery is removed and is disconnected from
11.25 the firearm; and

11.26 (4) for an encapsulated powder charge ignition system, the primer is removed from the
11.27 firearm.

12.1 Sec. 18. Minnesota Statutes 2022, section 97A.031, is amended to read:

12.2 **97A.031 WANTON WASTE.**

12.3 (a) Unless expressly allowed, a person may not wantonly waste or destroy a usable part
12.4 of a protected wild animal.

12.5 (b) This section does not apply to common carp.

UEH2310-2

76.26 Sec. 19. Minnesota Statutes 2022, section 97A.045, subdivision 5, is amended to read:

76.27 Subd. 5. **Power to prescribe form of permits and licenses.** (a) Except as provided in
76.28 paragraph (b), the commissioner may prescribe the form of permits, licenses, and tags issued
76.29 under the game and fish laws.

76.30 (b) The commissioner must offer an applicant for an angling, trapping, or hunting license,
76.31 including a special permit issued under section 97A.401, the option of receiving the license
76.32 in either a paper or paperless format and must provide an applicant with a paperless license
77.1 unless the applicant requests a paper license. This paragraph applies to both annual and
77.2 lifetime licenses. The commissioner must ensure that a person authorized to issue an annual
77.3 license described in this paragraph has the ability to issue paperless licenses.

77.4 **EFFECTIVE DATE.** This section is effective March 1, 2026.

210.18 Sec. 47. **97A.096] DESIGNATED SWAN PROTECTION AREAS.**

210.19 Subdivision 1. **Swan protection areas.** The commissioner of natural resources must
210.20 **designate waters within the seven-county metropolitan area that provide critical habitat for**
210.21 **swan nesting, migration, and foraging as swan protection areas.**

210.22 Subd. 2. **Public notice and meeting.** (a) Before the commissioner designates or removes
210.23 a designation of a swan protection area, the commissioner must receive public comment
210.24 and hold a public meeting in the county where the largest portion of the affected water is
210.25 located.

210.26 (b) At least 90 days before the public meeting, the commissioner must post notice of
210.27 the proposed designation or removal of a designation at publicly maintained access points
210.28 on the affected water.

210.29 (c) Before the public meeting, the commissioner must publish notice of the meeting in
210.30 a news release issued by the commissioner and in a newspaper of general circulation in the
211.1 area where the proposed swan protection area is located. The notice must be published at
211.2 least once 30 to 60 days before the meeting and at least once seven to 30 days before the
211.3 meeting.

211.4 (d) The notices required in this subdivision must summarize the proposed action, invite
211.5 public comment, and specify a deadline for receiving public comments. The commissioner
211.6 must send each required notice to persons who have registered their names with the
211.7 commissioner for this purpose. The commissioner must consider any public comments
211.8 received in making a final decision.

211.9 (e) Designating swan protection areas or removing designations according to this
211.10 subdivision is not subject to the rulemaking requirements of chapter 14, and section 14.386
211.11 does not apply.

211.12 Subd. 3. **Using lead sinkers.** A person may not use lead sinkers on a water designated
211.13 by the commissioner as a swan protection area under subdivision 1. The commissioner must
211.14 maintain a list of swan protection areas and information on the lead sinker restrictions on
211.15 the department's website and in any summary of fishing regulations required under section
211.16 97A.051.

211.17 Subd. 4. **Report.** By January 15, 2026, the commissioner of natural resources must
211.18 submit a report to the chairs and ranking minority members of the legislative committees
211.19 and divisions with jurisdiction over environment and natural resources on the implementation
211.20 of this section and any recommendations.

211.21 Subd. 5. **Sunset.** This section expires January 1, 2027.

S2904-2

211.22 Sec. 48. Minnesota Statutes 2022, section 97A.126, is amended to read:

211.23 **97A.126 WALK-IN ACCESS PROGRAM.**

211.24 Subdivision 1. **Establishment.** A walk-in access program is established to provide public

211.25 access to wildlife habitat on private land for hunting, bird-watching, nature photography,

211.26 and similar compatible uses, excluding trapping, as provided under this section. The

211.27 commissioner may enter into agreements with other units of government and landowners

211.28 to provide private land hunting access.

211.29 Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have

211.30 a walk-in access ~~hunter~~ validation in possession to hunt, photograph, and watch wildlife on

211.31 private lands, including agricultural lands, that are posted as being enrolled in the walk-in

211.32 access program.

212.1 (b) Hunting, bird-watching, nature photography, and similar compatible uses on private

212.2 lands that are posted as enrolled in the walk-in access program is allowed from one-half

212.3 hour before sunrise to one-half hour after sunset.

212.4 (c) ~~Hunter~~ Access on private lands that are posted as enrolled in the walk-in access

212.5 program is restricted to nonmotorized use, except by ~~hunters~~ persons with disabilities

212.6 operating motor vehicles on established trails or field roads who possess a valid permit to

212.7 shoot from a stationary vehicle under section 97B.055, subdivision 3.

212.8 (d) The general provisions for use of wildlife management areas adopted under sections

212.9 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,

212.10 firearms and target shooting, hunting stands, abandonment of trash and property, destruction

212.11 or removal of property, introduction of plants or animals, and animal trespass, apply to

212.12 ~~hunters on~~ use of lands enrolled in the walk-in access program.

212.13 (e) Any use of enrolled lands other than ~~hunting according to~~ use authorized under this

212.14 section is prohibited, including:

212.15 (1) harvesting bait, including minnows, leeches, and other live bait;

212.16 (2) training dogs or using dogs for activities other than hunting; and

212.17 (3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind,

212.18 or other structure, unless constructed or maintained by the landowner.

212.19 Subd. 3. **Walk-in-access ~~hunter~~ validation; fee.** The fee for a walk-in-access ~~hunter~~

212.20 validation is \$3.

12.6 Sec. 19. Minnesota Statutes 2022, section 97A.126, is amended to read:

12.7 **97A.126 WALK-IN ACCESS PROGRAM.**

12.8 Subdivision 1. **Establishment.** A walk-in access program is established to provide public

12.9 access to wildlife habitat on private land for hunting, bird-watching, nature photography,

12.10 and similar compatible uses, excluding trapping, as provided under this section. The

12.11 commissioner may enter into agreements with other units of government and landowners

12.12 to provide private land hunting access.

12.13 Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have

12.14 a walk-in access ~~hunter~~ validation in possession to hunt, photograph, and watch wildlife on

12.15 private lands, including agricultural lands, that are posted as being enrolled in the walk-in

12.16 access program.

12.17 (b) Hunting, bird-watching, nature photography, and similar compatible uses on private

12.18 lands that are posted as enrolled in the walk-in access program is allowed from one-half

12.19 hour before sunrise to one-half hour after sunset.

12.20 (c) ~~Hunter~~ Access on private lands that are posted as enrolled in the walk-in access

12.21 program is restricted to nonmotorized use, except by ~~hunters~~ persons with disabilities

12.22 operating motor vehicles on established trails or field roads who possess a valid permit to

12.23 shoot from a stationary vehicle under section 97B.055, subdivision 3.

12.24 (d) The general provisions for use of wildlife management areas adopted under sections

12.25 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats,

12.26 firearms and target shooting, hunting stands, abandonment of trash and property, destruction

12.27 or removal of property, introduction of plants or animals, and animal trespass, apply to

12.28 ~~hunters on~~ use of lands enrolled in the walk-in access program.

12.29 (e) Any use of enrolled lands other than ~~hunting according to~~ use authorized under this

12.30 section is prohibited, including:

12.31 (1) harvesting bait, including minnows, leeches, and other live bait;

13.1 (2) training dogs or using dogs for activities other than hunting; and

13.2 (3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind,

13.3 or other structure, unless constructed or maintained by the landowner.

13.4 Subd. 3. **Walk-in-access ~~hunter~~ validation; fee.** The fee for a walk-in-access ~~hunter~~

13.5 validation is \$3.

212.21 Sec. 49. Minnesota Statutes 2022, section 97A.137, subdivision 3, is amended to read:

212.22 Subd. 3. **Use of motorized vehicles by disabled hunters people with disabilities.** The
212.23 commissioner may ~~issue~~ provide an accommodation by issuing a special permit, without a
212.24 fee, authorizing a ~~hunter~~ person with a ~~permanent physical~~ disability to use a ~~snowmobile,~~
212.25 ~~highway licensed vehicle, all terrain vehicle, an other power-driven mobility device, as~~
212.26 ~~defined under Code of Federal Regulations, title 28, section 35.104, or a motor boat in~~
212.27 ~~wildlife management areas. To qualify for a permit under this subdivision, the disabled~~
212.28 ~~person must possess; provide credible assurance to the commissioner that the device or~~
212.29 ~~motor boat is used because of a disability.~~

212.30 ~~(1) the required hunting licenses; and~~

212.31 ~~(2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.~~

13.6 Sec. 20. Minnesota Statutes 2022, section 97A.137, subdivision 3, is amended to read:

13.7 Subd. 3. **Use of motorized vehicles by disabled hunters people with disabilities.** The
13.8 commissioner may ~~issue~~ provide an accommodation by issuing a special permit, without a
13.9 fee, authorizing a ~~hunter~~ person with a ~~permanent physical~~ disability to use a ~~snowmobile,~~
13.10 ~~highway licensed vehicle, all terrain vehicle, an other power-driven mobility device, as~~
13.11 ~~defined under Code of Federal Regulations, title 28, section 35.104, or a motor boat in~~
13.12 ~~wildlife management areas. To qualify for a permit under this subdivision, the disabled~~
13.13 ~~person must possess; provide credible assurance to the commissioner that the device or~~
13.14 ~~motor boat is used because of a disability.~~

13.15 ~~(1) the required hunting licenses; and~~

13.16 ~~(2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.~~

13.17 Sec. 21. Minnesota Statutes 2022, section 97A.137, subdivision 5, is amended to read:

13.18 Subd. 5. **Portable stands.** (a) Prior to the Saturday on or nearest September 16, a portable
13.19 stand may be left overnight in a wildlife management area by a person with a valid bear
13.20 license who is hunting within 100 yards of a bear bait site that is legally tagged and registered
13.21 as prescribed under section 97B.425. Any person leaving a portable stand overnight under
13.22 this subdivision must affix a tag with: (1) the person's name and address; (2) the licensee's
13.23 driver's license number; or (3) the "MDNR#" license identification number issued to the
13.24 licensee. The tag must be affixed to the stand in a manner that it can be read from the ground.

13.25 (b) From November 1 through December 31, a portable stand may be left overnight by
13.26 a person possessing a license to take deer in a wildlife management area located in whole
13.27 or in part north and west of a line described as follows:

13.28 State Trunk Highway 1 from the west boundary of the state to State Trunk Highway 89;
13.29 then north along State Trunk Highway 89 to Fourtown; then north on County State-Aid
13.30 Highway 44, Beltrami County, to County Road 704, Beltrami County; then north on County
13.31 Road 704 to Dick's Parkway State Forest Road; then north on Dick's Parkway to County
13.32 State-Aid Highway 5, Roseau County; then north on County State-Aid Highway 5 to
14.1 Warroad; then north on State Trunk Highway 11 to State Trunk Highway 313; then north
14.2 on State Trunk Highway 313 to the north boundary of the state.

14.3 A person leaving a portable stand overnight under this paragraph must affix a tag with: (1)
14.4 the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#"
14.5 license identification number issued to the licensee. The tag must be affixed to the stand so
14.6 that it can be read from the ground and must be made of a material sufficient to withstand
14.7 weather conditions. A person leaving a portable stand overnight in a wildlife management
14.8 area under this paragraph may not leave more than two portable stands in any one wildlife
14.9 management area. Unoccupied portable stands left overnight under this paragraph may be
14.10 used by any member of the public. ~~This paragraph expires December 31, 2019.~~

213.1 Sec. 50. Minnesota Statutes 2022, section 97A.315, subdivision 1, is amended to read:

213.2 Subdivision 1. **Criminal penalties.** (a) Except as provided in paragraph (b), a person
213.3 that violates a provision of section 97B.001, relating to trespass is guilty of a misdemeanor
213.4 except as provided in paragraph (b).

213.5 (b) A person is guilty of a gross misdemeanor if the person:

213.6 (1) knowingly disregards signs prohibiting trespass;

213.7 (2) trespasses after personally being notified by the landowner or lessee not to trespass;

213.8 or

213.9 (3) is convicted of violating this section more than once in a three-year period.

213.10 (c) Notwithstanding section 609.101, subdivision 4, clause (2), for a misdemeanor
213.11 violation, the minimum fine for a person who operates an off-highway motorcycle, off-road
213.12 vehicle, all-terrain vehicle, or snowmobile in violation of this section must not be less than
213.13 the amount set forth in section 84.775.

213.14 Sec. 51. Minnesota Statutes 2022, section 97A.401, subdivision 1, is amended to read:

213.15 Subdivision 1. **Commissioner's authority.** The commissioner may issue special permits
213.16 for the activities in this section. A special permit may be issued in the form of a general
213.17 permit to a governmental subdivision or to the general public to conduct one or more
213.18 activities under subdivisions 2 to ~~8~~ 9.

213.19 Sec. 52. Minnesota Statutes 2022, section 97A.401, is amended by adding a subdivision
213.20 to read:

213.21 Subd. 9. **Taking wild animals with federal incidental take permit.** The commissioner
213.22 must prescribe conditions for and may issue a permit to a person for taking wild animals
213.23 during activities covered under a federal incidental take permit issued under section
213.24 10(a)(1)(B) of the federal Endangered Species Act, including to a landowner for taking wild
213.25 animals during activities covered by a certificate of inclusion issued by the commissioner
213.26 under Code of Federal Regulations, title 50, section 13.25(e).

14.11 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2019, and
14.12 Minnesota Statutes, section 97A.137, subdivision 5, paragraph (b), is revived and reenacted
14.13 as of that date.

14.14 Sec. 22. Minnesota Statutes 2022, section 97A.401, subdivision 1, is amended to read:

14.15 Subdivision 1. **Commissioner's authority.** The commissioner may issue special permits
14.16 for the activities in this section. A special permit may be issued in the form of a general
14.17 permit to a governmental subdivision or to the general public to conduct one or more
14.18 activities under subdivisions 2 to ~~8~~ 9.

14.19 Sec. 23. Minnesota Statutes 2022, section 97A.401, is amended by adding a subdivision
14.20 to read:

14.21 Subd. 9. **Taking wild animals with federal incidental take permit.** The commissioner
14.22 must prescribe conditions for and may issue a permit to a person for taking wild animals
14.23 during activities covered under a federal incidental take permit issued under section
14.24 10(a)(1)(B) of the federal Endangered Species Act, including to a landowner for taking wild
14.25 animals during activities covered by a certificate of inclusion issued by the commissioner
14.26 under Code of Federal Regulations, title 50, section 13.25(e).

UEH2310-2

77.5 Sec. 20. Minnesota Statutes 2022, section 97A.405, subdivision 2, is amended to read:

77.6 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an
77.7 area where a licensed activity was performed must have in personal possession ~~either~~:

77.8 (1) the proper paper license, if the license has been issued to and received by the person;

77.9 (2) a driver's license or Minnesota identification card that bears a valid designation of

77.10 the proper lifetime license, as provided under section 171.07, subdivision 19; ~~or~~

77.11 (3) the proper paper license identification number or stamp validation, if the license has

77.12 been sold to the person by electronic means but the actual license has not been issued and

77.13 received; or

77.14 (4) electronic or other evidence satisfactory to the commissioner that the person has the

77.15 proper paperless license.

77.16 (b) If possession of a license or a license identification number is required, a person

77.17 must exhibit, as requested by a conservation officer or peace officer, ~~either~~: (1) the proper

77.18 paper license if the license has been issued to and received by the person; (2) a driver's

77.19 license or Minnesota identification card that bears a valid designation of the proper lifetime

77.20 license, as provided under section 171.07, subdivision 19; ~~or~~ (3) the proper paper license

77.21 identification number or stamp validation and a valid state driver's license, state identification

77.22 card, or other form of identification provided by the commissioner, if the license has been

77.23 sold to the person by electronic means but the actual license has not been issued and received;

77.24 or (4) electronic or other evidence satisfactory to the commissioner that the person has the

77.25 proper paperless license. A person charged with violating the license possession requirement

77.26 shall not be convicted if the person produces in court or the office of the arresting officer,

77.27 the actual license previously issued to that person, which was valid at the time of arrest, or

77.28 satisfactory proof that at the time of the arrest the person was validly licensed. Upon request

77.29 of a conservation officer or peace officer, a licensee shall write the licensee's name in the

77.30 presence of the officer to determine the identity of the licensee.

77.31 (c) Except as provided in paragraph (a), ~~clause~~ clauses (2) and (4), if the actual license

77.32 has been issued and received, a receipt for license fees, a copy of a license, or evidence

77.33 showing the issuance of a license, including the license identification number or stamp

78.1 validation, does not entitle a licensee to exercise the rights or privileges conferred by a

78.2 license.

78.3 (d) A paper license issued electronically and not immediately provided to the licensee

78.4 shall be mailed to the licensee within 30 days of purchase of the license. A pictorial migratory

78.5 waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to the licensee

78.6 after purchase of a stamp validation only if the licensee pays an additional fee that covers

78.7 the costs of producing and mailing a pictorial stamp. A pictorial turkey stamp may be

78.8 purchased for a fee that covers the costs of producing and mailing the pictorial stamp.

78.9 Notwithstanding section 16A.1283, the commissioner may, by written order published in

78.10 the State Register, establish fees for providing the pictorial stamps. The fees must be set in

78.11 an amount that does not recover significantly more or less than the cost of producing and

78.12 mailing the stamps. The fees are not subject to the rulemaking provisions of chapter 14, and

78.13 section 14.386 does not apply.

213.27 Sec. 53. Minnesota Statutes 2022, section 97A.405, subdivision 5, is amended to read:

213.28 Subd. 5. **Resident licenses.** (a) To obtain a resident license, ~~a resident~~ an individual 21

213.29 years of age or older must be a resident and:

214.1 (1) possess a current Minnesota driver's license or a valid application receipt for a driver's

214.2 license that is at least 60 days past the issuance date;

214.3 (2) possess a current identification card issued by the commissioner of public safety or

214.4 a valid application receipt for an identification card that is at least 60 days past the issuance

214.5 date; or

214.6 (3) present evidence showing proof of residency in cases when clause (1) or (2) would

214.7 violate the Religious Freedom Restoration Act of 1993, Public Law 103-141; or

214.8 (4) possess a Tribal identification card as provided in paragraph (b).

214.9 (b) For purposes of this subdivision, "Tribal identification card" means an unexpired

214.10 identification card as provided under section 171.072, paragraphs (b) and (c). The Tribal

214.11 identification card:

214.12 (1) must contain the enrolled Tribal member's Minnesota residence address; and

214.13 (2) may be used to obtain a resident license under paragraph (a) only if the Tribal member

214.14 does not have a current driver's license or state identification card in any state.

214.15 (c) A person must not have applied for, purchased, or accepted a resident hunting, fishing,

214.16 or trapping license issued by another state or foreign country within 60 days before applying

214.17 for a resident license under this section.

78.14 **EFFECTIVE DATE.** This section is effective March 1, 2026.

S2904-2

14.27 Sec. 24. Minnesota Statutes 2022, section 97A.405, subdivision 5, is amended to read:

14.28 Subd. 5. **Resident licenses.** (a) To obtain a resident license, ~~a resident~~ an individual 21

14.29 years of age or older must be a resident and:

14.30 (1) possess a current Minnesota driver's license or a valid application receipt for a driver's

14.31 license that is at least 60 days past the issuance date;

15.1 (2) possess a current identification card issued by the commissioner of public safety or

15.2 a valid application receipt for an identification card that is at least 60 days past the issuance

15.3 date; or

15.4 (3) present evidence showing proof of residency in cases when clause (1) or (2) would

15.5 violate the Religious Freedom Restoration Act of 1993, Public Law 103-141; or

15.6 (4) possess a Tribal identification card as provided in paragraph (b).

15.7 (b) For purposes of this subdivision, "Tribal identification card" means an unexpired

15.8 identification card as provided under section 171.072, paragraphs (b) and (c). The Tribal

15.9 identification card:

15.10 (1) must contain the enrolled Tribal member's Minnesota residence address; and

15.11 (2) may be used to obtain a resident license under paragraph (a) only if the Tribal member

15.12 does not have a current driver's license or state identification card in any state.

15.13 (c) A person must not have applied for, purchased, or accepted a resident hunting, fishing,

15.14 or trapping license issued by another state or foreign country within 60 days before applying

15.15 for a resident license under this section.

UEH2310-2

78.15 Sec. 21. Minnesota Statutes 2022, section 97A.420, subdivision 1, is amended to read:

78.16 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license

78.17 of a person who unlawfully takes, transports, or possesses wild animals when the restitution

78.18 value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the

78.19 person may not use or obtain any license to take the same type of wild animals involved,

78.20 including a duplicate license, until an action is taken under subdivision 6. If the license

78.21 seized under this paragraph was for a big game animal, the license seizure applies to all

78.22 licenses to take big game issued to the individual. If the license seized under this paragraph

78.23 was for small game animals, the license seizure applies to all licenses to take small game

78.24 issued to the individual.

78.25 (b) In addition to the license seizure under paragraph (a), if the restitution value of the

78.26 wild animals unlawfully taken, possessed, or transported is \$1,000 or more, all other game

214.18 Sec. 54. Minnesota Statutes 2022, section 97A.421, subdivision 3, is amended to read:

214.19 Subd. 3. **Issuance after conviction; big game.** (a) A person may not use a big-game
214.20 license purchased before conviction, obtain ~~any~~ a big-game license, or take big game under
214.21 a lifetime license, issued under section 97A.473, for three years after the person is convicted
214.22 of:

214.23 (1) a gross misdemeanor violation under the game and fish laws relating to big game;

214.24 (2) doing an act without a required big-game license; or

214.25 (3) the second violation within three years under the game and fish laws relating to big
214.26 game.

214.27 (b) A person may not obtain any deer license or take deer under a lifetime license issued
214.28 under section 97A.473 for one year after the person is convicted of hunting deer with the
214.29 aid or use of bait under section 97B.328.

215.1 (c) The revocation period under paragraphs (a) and (b) doubles if the conviction is for
215.2 a deer that is a trophy deer scoring higher than 170 using the scoring method established
215.3 for wildlife restitution values adopted under section 97A.345.

78.27 and fish licenses held by the person shall be immediately seized. Except as provided in
78.28 subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit, including
78.29 a duplicate license, until an action is taken under subdivision 6.

78.30 (c) A person may not take wild animals covered by a license seized under this subdivision
78.31 until an action is taken under subdivision 6.

78.32 (d) The commissioner must make a means of seizing and releasing a paperless license
78.33 under this section available to enforcement officers.

79.1 **EFFECTIVE DATE.** This section is effective March 1, 2026.

S2904-2

15.16 Sec. 25. Minnesota Statutes 2022, section 97A.421, subdivision 3, is amended to read:

15.17 Subd. 3. **Issuance after conviction; big game.** (a) A person may not use a big-game
15.18 license purchased before conviction, obtain ~~any~~ a big-game license, or take big game under
15.19 a lifetime license, issued under section 97A.473, for three years after the person is convicted
15.20 of:

15.21 (1) a gross misdemeanor violation under the game and fish laws relating to big game;

15.22 (2) doing an act without a required big-game license; or

15.23 (3) the second violation within three years under the game and fish laws relating to big
15.24 game.

15.25 (b) A person may not obtain any deer license or take deer under a lifetime license issued
15.26 under section 97A.473 for one year after the person is convicted of hunting deer with the
15.27 aid or use of bait under section 97B.328.

15.28 (c) The revocation period under paragraphs (a) and (b) doubles if the conviction is for
15.29 a deer that is a trophy deer scoring higher than 170 using the scoring method established
15.30 for wildlife restitution values adopted under section 97A.345.

UEH2310-2

79.2 Sec. 22. Minnesota Statutes 2022, section 97A.465, subdivision 3, is amended to read:

79.3 Subd. 3. **Nonresidents stationed in state; spouses.** (a) The commissioner may issue a
79.4 resident license to take fish or game to a person in the armed forces of the United States
79.5 that is stationed in the state. This subdivision paragraph does not apply to the taking of
79.6 moose or elk.

79.7 (b) The commissioner may issue a resident angling license to a person in the armed
79.8 forces of the United States that is stationed in the state and to the spouse of a person in the
79.9 armed forces of the United States that is stationed in the state.

215.4 Sec. 55. Minnesota Statutes 2022, section 97A.473, subdivision 2, is amended to read:

215.5 Subd. 2. **Lifetime angling license; fee.** (a) A resident lifetime angling license authorizes

215.6 a person to take fish by angling in the state. The license authorizes those activities authorized

215.7 by the annual resident angling license. The license does not include a trout-and-salmon

215.8 stamp validation, a walleye stamp validation, or other stamps required by law.

215.9 (b) The fees for a resident lifetime angling license are:

215.10 (1) age 3 and under, ~~\$344~~ \$413;

215.11 (2) age 4 to age 15, ~~\$469~~ \$563;

215.12 (3) age 16 to age 50, ~~\$574~~ \$689; and

215.13 (4) age 51 and over, ~~\$379~~ \$455.

215.14 Sec. 56. Minnesota Statutes 2022, section 97A.473, subdivision 2a, is amended to read:

215.15 Subd. 2a. **Lifetime spearing license; fee.** (a) A resident lifetime spearing license

215.16 authorizes a person to take fish by spearing in the state. The license authorizes those activities

215.17 authorized by the annual resident spearing license.

215.18 (b) The fees for a resident lifetime spearing license are:

215.19 (1) age 3 and under, ~~\$90~~ \$108;

215.20 (2) age 4 to age 15, ~~\$124~~ \$149;

215.21 (3) age 16 to age 50, ~~\$117~~ \$141; and

215.22 (4) age 51 and over, ~~\$61~~ \$74.

215.23 Sec. 57. Minnesota Statutes 2022, section 97A.473, subdivision 2b, is amended to read:

215.24 Subd. 2b. **Lifetime angling and spearing license; fee.** (a) A resident lifetime angling

215.25 and spearing license authorizes a person to take fish by angling or spearing in the state. The

79.10 Sec. 23. Minnesota Statutes 2022, section 97A.465, subdivision 8, is amended to read:

79.11 Subd. 8. **Nonresident active members of National Guard; spouses.** (a) A nonresident

79.12 that is ~~an active~~ a member of the state's National Guard may obtain a resident license to

79.13 take ~~fish or~~ game. This ~~subdivision~~ paragraph does not apply to ~~the~~ taking of moose or elk.

79.14 (b) A nonresident that is a member of the National Guard or that is the spouse of a

79.15 member of the National Guard may obtain a resident license to take fish.

79.16 (c) For purposes of this section, the term "member of the National Guard" means an

79.17 active member of the state's National Guard or an active member of another state's National

79.18 Guard who is temporarily stationed in this state.

215.26 license authorizes those activities authorized by the annual resident angling and spearing
215.27 licenses.

215.28 (b) The fees for a resident lifetime angling and spearing license are:

215.29 (1) age 3 and under, ~~\$432~~ \$519;

216.1 (2) age 4 to age 15, ~~\$579~~ \$695;

216.2 (3) age 16 to age 50, ~~\$678~~ \$814; and

216.3 (4) age 51 and over, ~~\$439~~ \$527.

216.4 Sec. 58. Minnesota Statutes 2022, section 97A.473, subdivision 5, is amended to read:

216.5 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes
216.6 a person to take fish by angling and hunt and trap small game, other than wolves, in the
216.7 state. The license authorizes those activities authorized by the annual resident angling and
216.8 resident small-game-hunting licenses and the resident trapping license for fur-bearing
216.9 animals other than wolves. The license does not include a trout-and-salmon stamp validation,
216.10 a turkey stamp validation, a walleye stamp validation, or any other hunting stamps required
216.11 by law.

216.12 (b) The fees for a resident lifetime sporting license are:

216.13 (1) age 3 and under, ~~\$522~~ \$573;

216.14 (2) age 4 to age 15, ~~\$710~~ \$779;

216.15 (3) age 16 to age 50, ~~\$927~~ \$1,017; and

216.16 (4) age 51 and over, ~~\$603~~ \$662.

216.17 Sec. 59. Minnesota Statutes 2022, section 97A.473, subdivision 5a, is amended to read:

216.18 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident lifetime
216.19 sporting with spearing option license authorizes a person to take fish by angling or spearing
216.20 and hunt and trap small game, other than wolves, in the state. The license authorizes those
216.21 activities authorized by the annual resident angling, spearing, and resident
216.22 small-game-hunting licenses and the resident trapping license for fur-bearing animals other
216.23 than wolves. The license does not include a trout-and-salmon stamp validation, a turkey
216.24 stamp validation, a walleye stamp validation, or any other hunting stamps required by law.

216.25 (b) The fees for a resident lifetime sporting with spearing option license are:

216.26 (1) age 3 and under, ~~\$642~~ \$676;

216.27 (2) age 4 to age 15, ~~\$833~~ \$921;

216.28 (3) age 16 to age 50, ~~\$1,046~~ \$1,153; and

- 216.29 (4) age 51 and over, ~~\$666~~ \$733.
- 217.1 Sec. 60. Minnesota Statutes 2022, section 97A.474, subdivision 2, is amended to read:
- 217.2 Subd. 2. **Nonresident lifetime angling license; fee.** (a) A nonresident lifetime angling
217.3 license authorizes a person to take fish by angling in the state. The license authorizes those
217.4 activities authorized by the annual nonresident angling license. The license does not include
217.5 a trout-and-salmon stamp validation, a walleye stamp validation, or other stamps required
217.6 by law.
- 217.7 (b) The fees for a nonresident lifetime angling license are:
- 217.8 (1) age 3 and under, ~~\$821~~ \$1,068;
- 217.9 (2) age 4 to age 15, ~~\$1,046~~ \$1,360;
- 217.10 (3) age 16 to age 50, ~~\$1,191~~ \$1,549; and
- 217.11 (4) age 51 and over, ~~\$794~~ \$1,033.
- 217.12 Sec. 61. Minnesota Statutes 2022, section 97A.475, subdivision 6, is amended to read:
- 217.13 Subd. 6. **Resident fishing.** Fees for the following licenses, to be issued to residents only,
217.14 are:
- 217.15 (1) for persons age 18 or over to take fish by angling, ~~\$25~~ \$30;
- 217.16 (2) for persons age 18 or over to take fish by angling, for a combined license for a married
217.17 couple, ~~\$40~~ \$48;
- 217.18 (3) for persons age 18 or over to take fish by spearing from a dark house, ~~\$6~~ \$8, and the
217.19 person must possess an angling license;
- 217.20 (4) for persons age 18 or over to take fish by angling for a 24-hour period selected by
217.21 the licensee, ~~\$12~~ \$15;
- 217.22 (5) for persons age 18 or over to take fish by angling for a consecutive 72-hour period
217.23 selected by the licensee, ~~\$14~~ \$17;
- 217.24 (6) for persons age 18 or over to take fish by angling for three consecutive years, ~~\$71~~
217.25 \$86; and
- 217.26 (7) for persons age 16 or over and under age 18 to take fish by angling, ~~\$5~~ \$6.
- 217.27 Sec. 62. Minnesota Statutes 2022, section 97A.475, subdivision 7, is amended to read:
- 217.28 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to
217.29 nonresidents, are:
- 218.1 (1) for persons age 18 or over to take fish by angling, ~~\$46~~ \$62;

218.2 (2) for persons age 18 or over to take fish by angling limited to seven consecutive days
218.3 selected by the licensee, ~~\$38~~ \$51;

218.4 (3) for persons age 18 or over to take fish by angling for a consecutive 72-hour period
218.5 selected by the licensee, ~~\$31~~ \$42;

218.6 (4) for persons age 18 or over to take fish by angling for a combined license for a family
218.7 for one or both parents and dependent children under the age of 16, ~~\$63~~ \$84;

218.8 (5) for persons age 18 or over to take fish by angling for a 24-hour period selected by
218.9 the licensee, ~~\$14~~ \$19;

218.10 (6) to take fish by angling for a combined license for a married couple, limited to 14
218.11 consecutive days selected by one of the licensees, ~~\$49~~ \$66;

218.12 (7) for persons age 18 or over to take fish by spearing from a dark house, ~~\$12~~ \$18, and
218.13 the person must possess an angling license; and

218.14 (8) for persons age 16 or over and under age 18 to take fish by angling, ~~\$5~~ \$6.

218.15 (b) A \$5 surcharge shall be added to all nonresident fishing licenses, except licenses
218.16 issued under paragraph (a), clauses (5) and (8). An additional commission may not be
218.17 assessed on this surcharge.

218.18 Sec. 63. Minnesota Statutes 2022, section 97A.475, subdivision 8, is amended to read:

218.19 Subd. 8. **Minnesota sporting; supersports.** (a) The commissioner shall issue Minnesota
218.20 sporting licenses to residents only. The licensee may take fish by angling and small game.
218.21 The fee for the license is:

218.22 (1) for an individual, ~~\$34.50~~ \$40.50; and

218.23 (2) for a combined license for a married couple to take fish and for one spouse to take
218.24 small game, ~~\$50.50~~ \$61.50.

218.25 (b) The commissioner shall issue Minnesota supersports licenses to residents only. The
218.26 licensee may take fish by angling, including trout; small game, including pheasant and
218.27 waterfowl; and deer by firearms or muzzleloader or by archery. The fee for the supersports
218.28 license, including all required stamp validations is:

218.29 (1) for an individual age 18 or over, ~~\$93.50~~ \$102.50; and

219.1 (2) for a combined license for a married couple to take fish, including the
219.2 trout-and-salmon stamp validation, and for one spouse to take small game, including pheasant
219.3 and waterfowl, and deer, ~~\$119.50~~ \$137.50.

219.4 (c) Revenue for the stamp endorsements under paragraph (b) shall be deposited according
219.5 to section 97A.075, subdivisions 2, 3, and 4.

219.6 (d) Revenue for the deer license endorsement under paragraph (b) shall be deposited
219.7 according to section 97A.075, subdivision 1.

219.8 Sec. 64. Minnesota Statutes 2022, section 97A.475, subdivision 10, is amended to read:

219.9 Subd. 10. **Trout-and-salmon stamp validation.** The fee for a trout-and-salmon stamp
219.10 validation is ~~\$10~~ \$12.

219.11 Sec. 65. Minnesota Statutes 2022, section 97A.475, subdivision 10a, is amended to read:

219.12 Subd. 10a. **Walleye stamp validation.** A person may agree to purchase a walleye stamp
219.13 validation for ~~\$5~~ \$6.

219.14 Sec. 66. Minnesota Statutes 2022, section 97A.475, subdivision 11, is amended to read:

219.15 Subd. 11. **Fish houses, dark houses, and shelters; residents.** Fees for the following
219.16 licenses are:

219.17 (1) annual for a fish house, dark house, or shelter that is not rented, ~~\$15~~ \$18;

219.18 (2) annual for a fish house, dark house, or shelter that is rented, ~~\$30~~ \$36;

219.19 (3) three-year for a fish house, dark house, or shelter that is not rented, ~~\$42~~ \$51; and

219.20 (4) three-year for a fish house, dark house, or shelter that is rented, ~~\$87~~ \$105.

219.21 Sec. 67. Minnesota Statutes 2022, section 97A.475, subdivision 12, is amended to read:

219.22 Subd. 12. **Fish houses, dark houses, and shelters; nonresident.** Fees for fish house,
219.23 dark house, and shelter licenses for a nonresident are:

219.24 (1) annual, ~~\$37~~ \$49;

219.25 (2) seven consecutive days selected by the licensee, ~~\$21~~ \$28; and

219.26 (3) three-year, ~~\$111~~ \$145.

220.1 Sec. 68. Minnesota Statutes 2022, section 97A.475, subdivision 13, is amended to read:

220.2 Subd. 13. **Netting whitefish and ciscoes for personal consumption.** The fee for a
220.3 license to net whitefish and ciscoes in inland lakes and international waters for personal
220.4 consumption is, for each net, ~~\$10~~ \$12.

220.5 Sec. 69. Minnesota Statutes 2022, section 97A.475, subdivision 41, is amended to read:

220.6 Subd. 41. **Turtle licenses license.** ~~(a) The fee for a turtle seller's license to sell turtles~~
220.7 ~~and to take, transport, buy, and possess turtles for sale is \$250.~~

220.8 ~~(b)~~ The fee for a recreational turtle license to take, transport, and possess turtles for
220.9 personal use is \$25.

79.19 Sec. 24. Minnesota Statutes 2022, section 97A.475, subdivision 41, is amended to read:

79.20 Subd. 41. **Turtle licenses license.** ~~(a) The fee for a turtle seller's license to sell turtles~~
79.21 ~~and to take, transport, buy, and possess turtles for sale is \$250.~~

79.22 ~~(b)~~ The fee for a recreational turtle license to take, transport, and possess turtles for
79.23 personal use is ~~\$25~~ \$5.

220.10 ~~(c) The fee for a turtle seller's apprentice license is \$100.~~

220.11 **EFFECTIVE DATE.** This section is effective January 1, 2024.

220.12 Sec. 70. Minnesota Statutes 2022, section 97B.031, subdivision 1, is amended to read:

220.13 Subdivision 1. **Permissible firearms and ammunition; big game and wolves.** A person
220.14 may take big game and wolves with a firearm only if:

220.15 (1) ~~the any~~ rifle, shotgun, ~~and or~~ handgun used is a caliber of at least .22 inches and ~~with~~
220.16 has centerfire ignition;

220.17 (2) the firearm is loaded only with single projectile ammunition;

220.18 (3) a projectile used is a caliber of at least .22 inches and has a soft point or is an
220.19 expanding bullet type;

220.20 (4) ~~the any~~ muzzleloader used ~~is incapable of being~~ has the projectile loaded only at the
220.21 ~~breech muzzle;~~

220.22 (5) ~~the any~~ smooth-bore muzzleloader used is a caliber of at least .45 inches; and

220.23 (6) ~~the any~~ rifled muzzleloader used is a caliber of at least .40 inches.

220.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

79.24 ~~(c) The fee for a turtle seller's apprentice license is \$100.~~

79.25 **EFFECTIVE DATE.** This section is effective January 1, 2024.

S2904-2

16.1 Sec. 26. Minnesota Statutes 2022, section 97B.031, subdivision 1, is amended to read:

16.2 Subdivision 1. **Permissible firearms and ammunition; big game and wolves.** A person
16.3 may take big game and wolves with a firearm only if:

16.4 (1) ~~the any~~ rifle, shotgun, ~~and or~~ handgun used is a caliber of at least .22 inches and ~~with~~
16.5 has centerfire ignition;

16.6 (2) the firearm is loaded only with single projectile ammunition;

16.7 (3) a projectile used is a caliber of at least .22 inches and has a soft point or is an
16.8 expanding bullet type;

16.9 (4) ~~the any~~ muzzleloader used ~~is incapable of being~~ has the projectile loaded only at the
16.10 ~~breech muzzle;~~

16.11 (5) ~~the any~~ smooth-bore muzzleloader used is a caliber of at least .45 inches; and

16.12 (6) ~~the any~~ rifled muzzleloader used is a caliber of at least .40 inches.

16.13 Sec. 27. Minnesota Statutes 2022, section 97B.036, is amended to read:

16.14 **97B.036 CROSSBOW HUNTING DURING FIREARMS SEASON AND ARCHERY**
16.15 **SEASONS.**

16.16 Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer, bear,
16.17 or turkey by crossbow during the respective firearms and archery seasons. The transportation
16.18 requirements of section 97B.051 apply to crossbows during the firearms and archery deer,
16.19 bear, or turkey season. Crossbows must meet the requirements of section 97B.106,
16.20 subdivision 2. A person taking deer, bear, or turkey by crossbow under this section must
16.21 have a valid license to take the respective game by firearm or bow. This section does not
16.22 allow the use of a crossbow by licensed muzzleloader hunters during the muzzleloader
16.23 firearms deer season under section 97B.311.

16.24 Sec. 28. Minnesota Statutes 2022, section 97B.037, is amended to read:

16.25 **97B.037 CROSSBOW HUNTING; AGE 60 OR OVER.**

16.26 Notwithstanding section 97B.035, subdivisions 1 and 2, a person ~~age 60 or over~~ may
16.27 take deer, bear, turkey, or rough fish by crossbow during the respective regular archery
16.28 seasons. The transportation requirements of section 97B.051 apply to crossbows during the

220.25 Sec. 71. Minnesota Statutes 2022, section 97B.071, is amended to read:

220.26 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
220.27 **ORANGE OR BLAZE PINK.**

220.28 (a) Except as provided in rules adopted under paragraph ~~(e)~~ (d), a person may not hunt
220.29 or trap during the open season where deer may be taken by firearms under applicable laws
221.1 and ordinances, unless the visible portion of the person's cap and outer clothing above the
221.2 waist, excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze
221.3 pink includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within
221.4 each foot square. This section does not apply to migratory-waterfowl hunters on waters of
221.5 this state or in a stationary shooting location or to trappers on waters of this state.

221.6 (b) Except as provided in rules adopted under paragraph ~~(e)~~ (d), and in addition to the
221.7 requirement in paragraph (a), a person may not take small game other than turkey, migratory
221.8 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one
221.9 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph
221.10 does not apply to a person when in a stationary location while hunting deer by archery or
221.11 when hunting small game by falconry.

221.12 (c) A person in a fabric or synthetic ground blind on public land must have:

221.13 (1) a blaze orange safety covering on the top of the blind that is visible for 360 degrees
221.14 around the blind; or

221.15 (2) at least 144 square inches of blaze orange material on each side of the blind.

221.16 ~~(e)~~ (d) The commissioner may, by rule, prescribe an alternative color in cases where
221.17 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
221.18 Law 103-141.

221.19 ~~(e)~~ (e) A violation of paragraph (b) ~~shall~~ does not result in a penalty, but is punishable
221.20 only by a safety warning.

221.21 Sec. 72. Minnesota Statutes 2022, section 97B.301, subdivision 6, is amended to read:

221.22 Subd. 6. **Residents or nonresidents under age 18; taking either-sex deer.** A resident
221.23 or nonresident under the age of 18 may take a deer of either sex except in those antlerless
221.24 permit areas and seasons where no antlerless permits are offered. In antlerless permit areas
221.25 where no antlerless permits are offered, the commissioner may provide a limited number

16.29 regular archery deer, bear, turkey, or rough fish season. Crossbows must meet the
16.30 requirements of section 97B.106, subdivision 2. A person ~~age 60 or over~~ taking deer, bear,
17.1 turkey, or rough fish by crossbow under this section must have a valid license to take the
17.2 respective game.

17.3 **EXPIRATION DATE.** This section expires on June 30, 2025.

17.4 Sec. 29. Minnesota Statutes 2022, section 97B.071, is amended to read:

17.5 **97B.071 CLOTHING AND GROUND BLIND REQUIREMENTS; BLAZE**
17.6 **ORANGE OR BLAZE PINK.**

17.7 (a) Except as provided in rules adopted under paragraph ~~(e)~~ (d), a person may not hunt
17.8 or trap during the open season where deer may be taken by firearms under applicable laws
17.9 and ordinances, unless the visible portion of the person's cap and outer clothing above the
17.10 waist, excluding sleeves and gloves, is blaze orange or blaze pink. Blaze orange or blaze
17.11 pink includes a camouflage pattern of at least 50 percent blaze orange or blaze pink within
17.12 each foot square. This section does not apply to migratory-waterfowl hunters on waters of
17.13 this state or in a stationary shooting location or to trappers on waters of this state.

17.14 (b) Except as provided in rules adopted under paragraph ~~(e)~~ (d), and in addition to the
17.15 requirement in paragraph (a), a person may not take small game other than turkey, migratory
17.16 birds, raccoons, and predators, except while trapping, unless a visible portion of at least one
17.17 article of the person's clothing above the waist is blaze orange or blaze pink. This paragraph
17.18 does not apply to a person when in a stationary location while hunting deer by archery or
17.19 when hunting small game by falconry.

17.20 (c) A person in a fabric or synthetic ground blind on public land must have:

17.21 (1) a blaze orange or blaze pink safety covering on the top of the blind that is visible for
17.22 360 degrees around the blind; or

17.23 (2) at least 144 square inches of blaze orange or blaze pink material on each side of the
17.24 blind.

17.25 ~~(e)~~ (d) The commissioner may, by rule, prescribe an alternative color in cases where
17.26 paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public
17.27 Law 103-141.

17.28 ~~(e)~~ (e) A violation of paragraph (b) ~~shall~~ does not result in a penalty, but is punishable
17.29 only by a safety warning.

18.6 Sec. 31. Minnesota Statutes 2022, section 97B.301, subdivision 6, is amended to read:

18.7 Subd. 6. **Residents or nonresidents under age 18; taking either-sex deer.** A resident
18.8 or nonresident under the age of 18 may take a deer of either sex except in those antlerless
18.9 permit areas and seasons where no antlerless permits are offered. In antlerless permit areas
18.10 where no antlerless permits are offered, the commissioner may provide a limited number

221.26 of youth either sex permits to residents or nonresidents under age 18, under the procedures
221.27 provided in section 97B.305, and may give preference to residents or nonresidents under
221.28 the age of 18 that have not previously been selected. This subdivision does not authorize
221.29 the taking of ~~an antlerless~~ a deer by another member of a party under subdivision 3.

18.11 of youth either sex permits to residents or nonresidents under age 18, under the procedures
18.12 provided in section 97B.305, and may give preference to residents or nonresidents under
18.13 the age of 18 that have not previously been selected. This subdivision does not authorize
18.14 the taking of ~~an antlerless~~ a deer by another member of a party under subdivision 3.

UEH2310-2

79.26 Sec. 25. Minnesota Statutes 2022, section 97B.318, subdivision 1, is amended to read:
79.27 Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun use
79.28 area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long
79.29 guns, and legal handguns may be used for taking deer. Legal shotguns include those with
80.1 rifled barrels. The shotgun use area is that portion of the state ~~lying within the following~~
80.2 ~~described boundary: Beginning on the west boundary of the state at the northern boundary~~
80.3 ~~of Clay County; thence along the northern boundary of Clay County to State Trunk Highway~~
80.4 ~~(STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94~~
80.5 ~~(I-94); thence along I-94 to County State Aid Highway (CSAH) 40, Douglas County; thence~~
80.6 ~~along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas~~
80.7 ~~County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to~~
80.8 ~~CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to~~
80.9 ~~CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd~~
80.10 ~~County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH~~
80.11 ~~27; thence along STH 27 to the Mississippi River; thence along the east bank of the~~
80.12 ~~Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to~~
80.13 ~~U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence~~
80.14 ~~along the east, south, and west boundaries of the state to the point of beginning consisting~~
80.15 ~~of Olmsted County.~~

S2904-2

18.15 Sec. 32. Minnesota Statutes 2022, section 97B.318, subdivision 1, is amended to read:
18.16 Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun use
18.17 area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long
18.18 guns, and legal handguns may be used for taking deer. Legal shotguns include those with
18.19 rifled barrels. The shotgun use area is that portion of the state ~~lying within the following~~
18.20 ~~described boundary: Beginning on the west boundary of the state at the northern boundary~~
18.21 ~~of Clay County; thence along the northern boundary of Clay County to State Trunk Highway~~
18.22 ~~(STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94~~
18.23 ~~(I-94); thence along I-94 to County State Aid Highway (CSAH) 40, Douglas County; thence~~
18.24 ~~along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas~~
18.25 ~~County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to~~
18.26 ~~CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to~~
18.27 ~~CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd~~
18.28 ~~County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH~~
18.29 ~~27; thence along STH 27 to the Mississippi River; thence along the east bank of the~~

222.1 Sec. 73. Minnesota Statutes 2022, section 97B.516, is amended to read:

222.2 **97B.516 PLAN FOR ELK MANAGEMENT.**

222.3 ~~(a) The commissioner of natural resources must adopt an elk management plan that:~~

222.4 ~~(1) recognizes the value and uniqueness of elk;~~

222.5 ~~(2) provides for integrated management of an elk population in harmony with the~~
222.6 ~~environment; and~~

222.7 ~~(3) affords optimum recreational opportunities.~~

222.8 ~~(b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in~~
222.9 ~~Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size~~
222.10 ~~of the herd, including adoption or implementation of an elk management plan designed to~~
222.11 ~~increase an elk herd, unless the commissioner of agriculture verifies that crop and fence~~
222.12 ~~damages paid under section 3.7371 and attributed to the herd have not increased for at least~~
222.13 ~~two years.~~

222.14 ~~(c) At least 60 days prior to implementing a plan to increase an elk herd, the~~
222.15 ~~commissioners of natural resources and agriculture must hold a joint public meeting in the~~
222.16 ~~county where the elk herd to be increased is located. At the meeting, the commissioners~~
222.17 ~~must present evidence that crop and fence damages have not increased in the prior two years~~
222.18 ~~and must detail the practices that will be used to reduce elk conflicts with area landowners.~~

222.19 Sec. 74. Minnesota Statutes 2022, section 97B.645, subdivision 9, is amended to read:

222.20 Subd. 9. **No open season.** There ~~shall be~~ is no open season for wolves ~~until after the~~
222.21 ~~wolf is delisted under the federal Endangered Species Act of 1973. After that time, the~~
222.22 ~~commissioner may prescribe open seasons and restrictions for taking wolves but must~~
222.23 ~~provide opportunity for public comment.~~

222.24 Sec. 75. Minnesota Statutes 2022, section 97B.668, is amended to read:

222.25 **97B.668 GAME BIRDS ANIMALS CAUSING DAMAGE.**

222.26 Subdivision 1. **Game birds causing damage.** Notwithstanding sections 97B.091 and
222.27 97B.805, subdivisions 1 and 2, a person or agent of that person on lands and nonpublic
222.28 waters owned or operated by the person may nonlethally scare, haze, chase, or harass game
222.29 birds that are causing property damage or to protect a disease risk at any time or place that
222.30 a hunting season for the game birds is not open. This section does not apply to public waters
222.31 as defined under section 103G.005, subdivision 15. This section does not apply to migratory

18.30 ~~Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to~~
18.31 ~~U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence~~
18.32 ~~along the east, south, and west boundaries of the state to the point of beginning consisting~~
18.33 ~~of Dodge and Olmsted Counties.~~

19.1 Sec. 33. Minnesota Statutes 2022, section 97B.668, is amended to read:

19.2 **97B.668 GAME BIRDS ANIMALS CAUSING DAMAGE.**

19.3 Subdivision 1. **Game birds causing damage.** Notwithstanding sections 97B.091 and
19.4 97B.805, subdivisions 1 and 2, a person or agent of that person on lands and nonpublic
19.5 waters owned or operated by the person may nonlethally scare, haze, chase, or harass game
19.6 birds that are causing property damage or to protect a disease risk at any time or place that
19.7 a hunting season for the game birds is not open. This section does not apply to public waters
19.8 as defined under section 103G.005, subdivision 15. This section does not apply to migratory

223.1 waterfowl on nests and other federally protected game birds on nests, except ducks and
223.2 geese on nests when a permit is obtained under section 97A.401.

223.3 Subd. 2. **Deer and elk causing damage.** (a) Notwithstanding section 97B.091, a property
223.4 owner, the property owner's immediate family member, or an agent of the property owner
223.5 may nonlethally scare, haze, chase, or harass deer or elk that are causing damage to
223.6 agricultural crops that are propagated under generally accepted agricultural practices.

223.7 (b) Paragraph (a) applies only:

223.8 (1) in the immediate area of the crop damage; and

223.9 (2) during the closed season for taking deer or elk.

223.10 (c) Paragraph (a) does not allow:

223.11 (1) using poisons;

223.12 (2) using dogs;

223.13 (3) conduct that drives a deer or elk to the point of exhaustion;

223.14 (4) activities that require a permit under section 97A.401; or

223.15 (5) conduct that causes the death of or that is likely to cause the death of a deer or elk.

223.16 (d) A property owner or the owner's agent must report the death of a deer or elk to staff
223.17 in the Division of Fish and Wildlife within 24 hours of the death if the death resulted from
223.18 actions taken under paragraph (a).

223.19 Sec. 76. **[97B.673] NONTOXIC SHOT REQUIRED FOR TAKING SMALL GAME**
223.20 **IN CERTAIN AREAS.**

223.21 Subdivision 1. **Nontoxic shot on wildlife management areas in farmland zone.** A
223.22 person may not take small game, rails, or common snipe on any wildlife management area
223.23 within the farmland zone with shot other than:

223.24 (1) steel shot;

223.25 (2) copper-plated, nickel-plated, or zinc-plated steel shot; or

223.26 (3) shot made of other nontoxic material approved by the director of the United States
223.27 Fish and Wildlife Service.

223.28 Subd. 2. **Farmland zone.** For the purposes of this section, the farmland zone is the
223.29 portion of the state that falls south and west of Minnesota Highway 70 westward from the
223.30 Wisconsin border to Minnesota Highway 65 to Minnesota Highway 23 to U.S. Highway
224.1 169 at Milaca to Minnesota Highway 18 at Garrison to Minnesota Highway 210 at Brainerd
224.2 to U.S. Highway 10 at Motley to U.S. Highway 59 at Detroit Lakes northward to the
224.3 Canadian border.

19.9 waterfowl on nests and other federally protected game birds on nests, except ducks and
19.10 geese on nests when a permit is obtained under section 97A.401.

19.11 Subd. 2. **Deer and elk causing damage.** (a) Notwithstanding section 97B.091, a property
19.12 owner, the property owner's immediate family member, or an agent of the property owner
19.13 may nonlethally scare, haze, chase, or harass deer or elk that are causing damage to
19.14 agricultural crops that are propagated under generally accepted agricultural practices.

19.15 (b) Paragraph (a) applies only:

19.16 (1) in the immediate area of the crop damage; and

19.17 (2) during the closed season for taking deer or elk.

19.18 (c) Paragraph (a) does not allow:

19.19 (1) using poisons;

19.20 (2) using dogs;

19.21 (3) conduct that drives a deer or elk to the point of exhaustion;

19.22 (4) activities that require a permit under section 97A.401; or

19.23 (5) conduct that causes the death of or that is likely to cause the death of a deer or elk.

19.24 (d) A property owner or the owner's agent must report the death of a deer or elk to staff
19.25 in the Division of Fish and Wildlife within 24 hours of the death if the death resulted from
19.26 actions taken under paragraph (a).

224.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

224.5 Sec. 77. **[97B.735] SWANS.**

224.6 A person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a
224.7 native swan in violation of the game and fish laws is guilty of a gross misdemeanor.

224.8 Sec. 78. Minnesota Statutes 2022, section 97C.087, subdivision 2, is amended to read:

224.9 Subd. 2. **Application for tag.** Application for special fish management tags must be
224.10 accompanied by a ~~\$5~~ \$6, nonrefundable application fee for each tag. A person may not
224.11 make more than one tag application each calendar year. If a person makes more than one
224.12 application, the person is ineligible for a special fish management tag for that calendar year
224.13 after determination by the commissioner, without a hearing.

19.27 Sec. 34. Minnesota Statutes 2022, section 97C.041, is amended to read:

19.28 **97C.041 COMMISSIONER MAY REMOVE ROUGH FISH AND CATFISH.**

19.29 The commissioner may take rough fish, ~~lake whitefish,~~ and rainbow smelt with seines,
19.30 nets, and other devices. ~~The commissioner may also take catfish with seines, nets, and other~~
20.1 ~~devices on the Minnesota-Wisconsin boundary waters.~~ The commissioner may hire or
20.2 contract persons, or issue permits, to take the fish. The commissioner shall prescribe the
20.3 manner of taking and disposal. The commissioner may award a contract under this section
20.4 without competitive bidding. Before establishing the contractor's compensation, the
20.5 commissioner must consider the qualifications of the contractor, including the contractor's
20.6 equipment, knowledge of the waters, and ability to perform the work.

20.7 Sec. 35. Minnesota Statutes 2022, section 97C.211, subdivision 2a, is amended to read:

20.8 Subd. 2a. **Acquiring fish.** (a) A private fish hatchery may not obtain fish outside of the
20.9 state unless the fish or the source of the fish are approved by the commissioner. The
20.10 commissioner may apply more stringent requirements to fish or a source of fish from outside
20.11 the state than are applied to fish and sources of fish from within the state. The commissioner
20.12 must either approve or deny the acquisition within 30 days after receiving a written request
20.13 for approval. ~~Minnows acquired must be processed and not released into public waters,~~
20.14 ~~except as provided in section 97C.515, subdivision 4.~~ A request may be for annual
20.15 acquisition.

20.16 (b) If the commissioner denies approval, a written notice must be submitted to the
20.17 applicant stating the reasons for the denial and the commissioner must:

20.18 (1) designate approved sources to obtain the desired fish or fish eggs; or

20.19 (2) sell the fish or fish eggs from state fish hatcheries at fair market value.

224.14 Sec. 79. Minnesota Statutes 2022, section 97C.315, subdivision 1, is amended to read:

224.15 Subdivision 1. **Lines.** An angler may not use more than one line, except that:

224.16 (1) two lines may be used to take fish through the ice; ~~and~~

224.17 (2) the commissioner may, by rule, authorize the use of two lines in areas designated by

224.18 the commissioner in Lake Superior; and

224.19 (3) two lines may be used in the Minnesota River downstream of the Granite Falls Dam

224.20 and in the Mississippi River downstream of St. Anthony Falls.

224.21 Sec. 80. Minnesota Statutes 2022, section 97C.345, subdivision 1, is amended to read:

224.22 Subdivision 1. **When use prohibited.** Except as specifically authorized, a person may

224.23 not take fish with a spear from the third Monday in February to the Friday before the last

224.24 Saturday in April and may not take fish with a fish trap, net, dip net, seine, or other device

224.25 capable of taking fish from the third Monday in February ~~to~~ through April 30.

224.26 Sec. 81. [97C.348] FELT-SOLED WADERS.

224.27 A person may not use felt-soled waders in waters of the state. For purposes of this section

224.28 "felt-soled waders" means boots or shoes that have water-absorbing material affixed to the

224.29 soles or bottoms.

225.1 **EFFECTIVE DATE.** This section is effective January 1, 2024.

225.2 Sec. 82. Minnesota Statutes 2022, section 97C.355, is amended by adding a subdivision

225.3 to read:

225.4 Subd. 9. **Placing waste on ice prohibited.** A person using a fish house, dark house, or

225.5 other shelter on the ice of state waters is subject to section 97C.363.

225.6 Sec. 83. [97C.363] STORING GARBAGE AND OTHER WASTE ON ICE.

225.7 Subdivision 1. **Prohibition.** A person using a shelter, a motor vehicle, or any other

225.8 conveyance on the ice of state waters may not deposit garbage, rubbish, cigarette filters,

225.9 debris from fireworks, offal, the body of a dead animal, litter, sewage, or any other waste

225.10 outside the shelter, motor vehicle, or conveyance unless the material is:

225.11 (1) placed in a container that is secured to the shelter, motor vehicle, or conveyance;

225.12 and

20.20 Sec. 36. Minnesota Statutes 2022, section 97C.315, subdivision 1, is amended to read:

20.21 Subdivision 1. **Lines.** An angler may not use more than one line, except that:

20.22 (1) two lines may be used to take fish through the ice; ~~and~~

20.23 (2) the commissioner may, by rule, authorize the use of two lines in areas designated by

20.24 the commissioner in Lake Superior; and

20.25 (3) two lines may be used in the Minnesota River downstream of the Granite Falls Dam

20.26 and in the Mississippi River downstream of St. Anthony Falls.

20.27 Sec. 37. Minnesota Statutes 2022, section 97C.345, subdivision 1, is amended to read:

20.28 Subdivision 1. **When use prohibited.** Except as specifically authorized, a person may

20.29 not take fish with a spear from the third Monday in February to the Friday before the last

20.30 Saturday in April and may not take fish with a fish trap, net, dip net, seine, or other device

20.31 capable of taking fish from the third Monday in February ~~to~~ through April 30.

34.15 Sec. 65. **RECOMMENDATIONS FOR REDUCING AQUATIC INVASIVE SPECIES**

34.16 **CONTAMINATION IN TROUT STREAMS.**

34.17 By January 15, 2024, the commissioner of natural resources, in consultation with

34.18 Minnesota Trout Unlimited and other trout stream angling organizations, must submit to

34.19 the chairs and ranking minority members of the house of representatives and senate

34.20 committees and divisions with jurisdiction over the environment and natural resources

34.21 policy recommendations for statutory and program changes to reduce the risk of aquatic

34.22 invasive species contamination in Minnesota trout streams.

225.13 (2) not placed directly on the ice or in state waters.

225.14 Subd. 2. **Definition.** For purposes of this section, "sewage" means excrementitious or
225.15 other discharge from the bodies of human beings or animals, together with such other water
225.16 as may be present.

225.17 Subd. 3. **Penalty.** A violation of this section is a petty misdemeanor, and a person who
225.18 violates this section is subject to a civil penalty of \$100 for each violation.

225.19 Sec. 84. Minnesota Statutes 2022, section 97C.371, subdivision 1, is amended to read:

225.20 Subdivision 1. **Species allowed.** Only rough fish, catfish, lake whitefish, cisco (tulibee),
225.21 and northern pike may be taken by spearing.

225.22 Sec. 85. Minnesota Statutes 2022, section 97C.371, subdivision 2, is amended to read:

225.23 Subd. 2. **Dark houses required for certain species.** Catfish, lake whitefish, cisco
225.24 (tulibee), and northern pike may be speared only from dark houses.

225.25 Sec. 86. Minnesota Statutes 2022, section 97C.371, subdivision 4, is amended to read:

225.26 Subd. 4. **Open season.** The open season for spearing through the ice is November 15
225.27 ~~to~~ through the last Sunday in February.

226.1 Sec. 87. Minnesota Statutes 2022, section 97C.395, subdivision 1, is amended to read:

226.2 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling
226.3 are as follows:

226.4 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth
226.5 bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend ~~to~~ through
226.6 the last Sunday in February;

226.7 (2) for lake trout, from January 1 ~~to~~ through October 31;

226.8 (3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
226.9 splake on all lakes located outside or partially within the Boundary Waters Canoe Area,
226.10 from January 15 ~~to~~ through March 31;

226.11 (4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
226.12 splake on all lakes located entirely within the Boundary Waters Canoe Area, from January
226.13 1 ~~to~~ through March 31;

21.1 Sec. 38. Minnesota Statutes 2022, section 97C.371, subdivision 1, is amended to read:

21.2 Subdivision 1. **Species allowed.** Only rough fish, catfish, lake whitefish, cisco (tulibee),
21.3 and northern pike may be taken by spearing.

21.4 Sec. 39. Minnesota Statutes 2022, section 97C.371, subdivision 2, is amended to read:

21.5 Subd. 2. **Dark houses required for certain species.** Catfish, lake whitefish, cisco
21.6 (tulibee), and northern pike may be speared only from dark houses.

21.7 Sec. 40. Minnesota Statutes 2022, section 97C.371, subdivision 4, is amended to read:

21.8 Subd. 4. **Open season.** The open season for spearing through the ice is November 15
21.9 ~~to~~ through the last Sunday in February.

21.10 Sec. 41. Minnesota Statutes 2022, section 97C.395, subdivision 1, is amended to read:

21.11 Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling
21.12 are as follows:

21.13 (1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth
21.14 bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend ~~to~~ through
21.15 the last Sunday in February;

21.16 (2) for lake trout, from January 1 ~~to~~ through October 31;

21.17 (3) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
21.18 splake on all lakes located outside or partially within the Boundary Waters Canoe Area,
21.19 from January 15 ~~to~~ through March 31;

21.20 (4) for the winter season for lake trout, brown trout, brook trout, rainbow trout, and
21.21 splake on all lakes located entirely within the Boundary Waters Canoe Area, from January
21.22 1 ~~to~~ through March 31;

226.14 (5) for brown trout, brook trout, rainbow trout, and splake, between January 1 ~~to~~ through
226.15 October 31 as prescribed by the commissioner by rule except as provided in section 97C.415,
226.16 subdivision 2; and

226.17 (6) for salmon, as prescribed by the commissioner by rule.

226.18 (b) The commissioner shall close the season in areas of the state where fish are spawning
226.19 and closing the season will protect the resource.

21.23 (5) for brown trout, brook trout, rainbow trout, and splake, between January 1 ~~to~~ through
21.24 October 31 as prescribed by the commissioner by rule except as provided in section 97C.415,
21.25 subdivision 2; and

21.26 (6) for salmon, as prescribed by the commissioner by rule.

21.27 (b) The commissioner shall close the season in areas of the state where fish are spawning
21.28 and closing the season will protect the resource.

22.1 Sec. 42. Minnesota Statutes 2022, section 97C.515, subdivision 2, is amended to read:

22.2 Subd. 2. **Permit for transportation importation.** (a) A person may ~~transport~~ import
22.3 live minnows through into the state with a permit from the commissioner. The permit must
22.4 state the name and address of the person, the number and species of minnows, the point of
22.5 entry into the state, the destination, and the route through the state. The permit is not valid
22.6 for more than 12 hours after it is issued. A person must not import minnows into the state
22.7 except as provided in this section.

22.8 (b) Minnows transported under this subdivision must be in a tagged container. The tag
22.9 number must correspond with tag numbers listed on the minnow transportation permit.

22.10 (c) The commissioner may require the person transporting minnow species found on
22.11 the official list of viral hemorrhagic septicemia susceptible species published by the United
22.12 States Department of Agriculture, Animal and Plant Health Inspection Services, to provide
22.13 health certification for viral hemorrhagic septicemia. The certification must disclose any
22.14 incidentally isolated replicating viruses, and must be dated within the 12 months preceding
22.15 transport.

22.16 (b) Minnows must be certified as healthy according to standards of the World
22.17 Organisation for Animal Health or the Fish Health Section Blue Book of the American
22.18 Fisheries Society.

22.19 (c) Minnows must be certified free of viral hemorrhagic septicemia, infectious
22.20 hematopoietic necrosis, infectious pancreatic necrosis, spring viremia of carp virus, fathead
22.21 minnow nidovirus, and Heterosporis within the past 12 months.

22.22 (d) Minnows must originate from a biosecure facility that has tested negative for invasive
22.23 species in the past 12 months.

22.24 (e) Only a person that holds a minnow dealer's license issued under section 97C.501,
22.25 subdivision 2, may obtain a permit to import minnows.

22.26 (f) The following information must be available to the commissioner upon request for
22.27 each load of imported minnows:

22.28 (1) the date minnows were imported;

226.20 Sec. 88. Minnesota Statutes 2022, section 97C.601, subdivision 1, is amended to read:

226.21 Subdivision 1. **Season.** The open season for frogs is May 16 ~~to~~ through March 31. The
226.22 commissioner may, by rule, establish closed seasons in specified areas.

226.23 Sec. 89. Minnesota Statutes 2022, section 97C.605, subdivision 1, is amended to read:

226.24 Subdivision 1. ~~Resident angling license required~~ **Taking turtles; requirements.** ~~In~~
226.25 ~~addition to any other license required in this section; (a) A person may not take, possess,~~
226.26 ~~or transport turtles without a resident angling license, except as provided in subdivision 2e,~~
226.27 ~~and a recreational turtle license.~~

226.28 (b) Turtles taken from the wild are for personal use only and may not be resold.

226.29 **EFFECTIVE DATE.** This section is effective January 1, 2024.

227.1 Sec. 90. Minnesota Statutes 2022, section 97C.605, subdivision 2c, is amended to read:

227.2 Subd. 2c. **License exemptions.** (a) A person does not need ~~a turtle seller's license or an~~
227.3 ~~angling license~~ the licenses specified under subdivision 1:

227.4 (1) ~~when buying turtles for resale at a retail outlet;~~

227.5 (1) when buying turtles from a licensed aquatic farm or licensed private fish hatchery
227.6 for resale at a retail outlet or restaurant;

227.7 (2) when buying a turtle at a retail outlet;

227.8 (3) ~~if the person is a nonresident buying a turtle from a licensed turtle seller for export~~
227.9 ~~out of state. Shipping documents provided by the turtle seller must accompany each shipment~~
227.10 ~~exported out of state by a nonresident. Shipping documents must include: name, address,~~
227.11 ~~city, state, and zip code of the buyer; number of each species of turtle; and name and license~~
227.12 ~~number of the turtle seller; or~~

22.29 (2) the number of pounds or gallons imported;

22.30 (3) the facility name from which the minnows originated; and

22.31 (4) a fish health certificate for the minnows.

23.1 (g) Minnows may be imported to feed hatchery fish if the requirements in paragraphs
23.2 (a) to (f) are met.

23.3 (h) The commissioner may use the expedited rulemaking process under section 14.389
23.4 to amend rules under this section.

23.5 Sec. 43. Minnesota Statutes 2022, section 97C.601, subdivision 1, is amended to read:

23.6 Subdivision 1. **Season.** The open season for frogs is May 16 ~~to~~ through March 31. The
23.7 commissioner may, by rule, establish closed seasons in specified areas.

UEH2310-2

80.16 Sec. 26. Minnesota Statutes 2022, section 97C.605, subdivision 1, is amended to read:

80.17 Subdivision 1. ~~Resident angling license required~~ **Taking turtles; requirements.** ~~In~~
80.18 ~~addition to any other license required in this section; (a) A person may not take, possess,~~
80.19 ~~or transport turtles without a resident angling license, except as provided in subdivision 2e,~~
80.20 ~~and a recreational turtle license.~~

80.21 (b) Turtles taken from the wild are for personal use only and may not be resold.

80.22 **EFFECTIVE DATE.** This section is effective January 1, 2024.

80.23 Sec. 27. Minnesota Statutes 2022, section 97C.605, subdivision 2c, is amended to read:

80.24 Subd. 2c. **License exemptions.** (a) A person does not need ~~a turtle seller's license or an~~
80.25 ~~angling license~~ the licenses specified under subdivision 1:

80.26 (1) ~~when buying turtles for resale at a retail outlet;~~

80.27 (1) when buying turtles from a licensed aquatic farm or licensed private fish hatchery
80.28 for resale at a retail outlet or restaurant;

80.29 (2) when buying a turtle at a retail outlet;

80.30 (3) ~~if the person is a nonresident buying a turtle from a licensed turtle seller for export~~
80.31 ~~out of state. Shipping documents provided by the turtle seller must accompany each shipment~~
80.32 ~~exported out of state by a nonresident. Shipping documents must include: name, address,~~
81.1 ~~city, state, and zip code of the buyer; number of each species of turtle; and name and license~~
81.2 ~~number of the turtle seller; or~~

227.13 ~~(4)~~ (3) to take, possess, and rent ~~or sell~~ up to 25 turtles greater than four inches in length
227.14 for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person
227.15 is a resident under age 18. The person is responsible for the well-being of the turtles; or
227.16 (4) if under 16 years of age when possessing turtles. Notwithstanding any other law to
227.17 the contrary, a person under the age of 16 may possess, without a license, up to three snapping
227.18 or western painted turtles, provided the turtles are possessed for personal use and are within
227.19 the applicable length and width requirements.

227.20 (b) A person with an aquatic farm license with a turtle endorsement or a private fish
227.21 hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate
227.22 turtles and turtle eggs without the licenses specified under subdivision 1.

227.23 (c) Turtles possessed under this subdivision may not be released back into the wild.
227.24 EFFECTIVE DATE. This section is effective January 1, 2024.

227.25 Sec. 91. Minnesota Statutes 2022, section 97C.605, subdivision 3, is amended to read:
227.26 Subd. 3. **Taking; methods prohibited.** ~~(a)~~ A person may not take turtles by using:
227.27 (1) explosives, drugs, poisons, lime, and other harmful substances;
227.28 (2) traps, ~~except as provided in paragraph (b) and rules adopted under this section;~~
227.29 (3) nets other than anglers' fish landing nets;
227.30 (4) commercial equipment, ~~except as provided in rules adopted under this section;~~
228.1 (5) firearms and ammunition;
228.2 (6) bow and arrow or crossbow; or
228.3 (7) spears, harpoons, or any other implements that impale turtles.
228.4 ~~(b) Until new rules are adopted under this section, a person with a turtle seller's license~~
228.5 ~~may take turtles with a floating turtle trap that:~~
228.6 ~~(1) has one or more openings above the water surface that measure at least ten inches~~
228.7 ~~by four inches; and~~
228.8 ~~(2) has a mesh size of not less than one-half inch, bar measure.~~
228.9 EFFECTIVE DATE. This section is effective January 1, 2024.

228.10 Sec. 92. Minnesota Statutes 2022, section 97C.611, is amended to read:
228.11 **97C.611 TURTLE SPECIES; LIMITS.**
228.12 Subdivision 1. **Snapping turtles.** A person may not possess more than three snapping
228.13 turtles of the species *Chelydra serpentina* ~~without a turtle seller's license~~. Until new rules
228.14 are adopted under section 97C.605, a person may not take snapping turtles of a size less

81.3 ~~(4)~~ (3) to take, possess, and rent ~~or sell~~ up to 25 turtles greater than four inches in length
81.4 for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person
81.5 is a resident under age 18. The person is responsible for the well-being of the turtles; or
81.6 (4) when possessing turtles if under 16 years of age. Notwithstanding any other law to
81.7 the contrary, a person under the age of 16 may possess, without a license, up to three snapping
81.8 or western painted turtles, provided the turtles are possessed for personal use and are within
81.9 the applicable length and width requirements.

81.10 (b) A person with an aquatic farm license with a turtle endorsement or a private fish
81.11 hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate
81.12 turtles and turtle eggs without the licenses specified under subdivision 1.

81.13 (c) Turtles possessed under this subdivision may not be released back into the wild.
81.14 EFFECTIVE DATE. This section is effective January 1, 2024.

81.15 Sec. 28. Minnesota Statutes 2022, section 97C.605, subdivision 3, is amended to read:
81.16 Subd. 3. **Taking; methods prohibited.** ~~(a)~~ A person may not take turtles by using:
81.17 (1) explosives, drugs, poisons, lime, and other harmful substances;
81.18 (2) traps, ~~except as provided in paragraph (b) and rules adopted under this section;~~
81.19 (3) nets other than anglers' fish landing nets;
81.20 (4) commercial equipment, ~~except as provided in rules adopted under this section;~~
81.21 (5) firearms and ammunition;
81.22 (6) bow and arrow or crossbow; or
81.23 (7) spears, harpoons, or any other implements that impale turtles.
81.24 ~~(b) Until new rules are adopted under this section, a person with a turtle seller's license~~
81.25 ~~may take turtles with a floating turtle trap that:~~
81.26 ~~(1) has one or more openings above the water surface that measure at least ten inches~~
81.27 ~~by four inches; and~~
81.28 ~~(2) has a mesh size of not less than one-half inch, bar measure.~~
81.29 EFFECTIVE DATE. This section is effective January 1, 2024.

82.1 Sec. 29. Minnesota Statutes 2022, section 97C.611, is amended to read:
82.2 **97C.611 TURTLE SPECIES; LIMITS.**
82.3 Subdivision 1. **Snapping turtles.** A person may not possess more than three snapping
82.4 turtles of the species *Chelydra serpentina* ~~without a turtle seller's license~~. Until new rules
82.5 are adopted under section 97C.605, a person may not take snapping turtles of a size less

228.15 than ten inches wide including curvature, measured from side to side across the shell at
228.16 midpoint. After new rules are adopted under section 97C.605, a person may only take
228.17 snapping turtles of a size specified in the adopted rules.

228.18 Subd. 2. **Western painted turtles.** (a) A person may not possess more than three Western
228.19 painted turtles of the species *Chrysemys picta* ~~without a turtle seller's license~~. Western
228.20 painted turtles must be between 4 and 5-1/2 inches in shell length.

228.21 (b) This subdivision does not apply to persons acting under section 97C.605, subdivision
228.22 2c, ~~clause (4)~~ paragraph (a).

228.23 ~~Subd. 3. **Spiny softshell.** A person may not possess spiny softshell turtles of the species~~
228.24 ~~*Apalone spinifera* after December 1, 2021, without an aquatic farm or private fish hatchery~~
228.25 ~~license with a turtle endorsement.~~

228.26 Subd. 4. **Other species.** A person may not possess any other species of turtle ~~without~~
228.27 except with an aquatic farm or private fish hatchery license with a turtle endorsement or as
228.28 specified under section 97C.605, subdivision 2c.

228.29 **EFFECTIVE DATE.** This section is effective January 1, 2024.

229.1 Sec. 93. Minnesota Statutes 2022, section 97C.836, is amended to read:

229.2 **97C.836 LAKE SUPERIOR LAKE TROUT; EXPANDED ASSESSMENT**
229.3 **HARVEST.**

229.4 The commissioner shall provide for taking of lake trout by licensed commercial operators
229.5 in Lake Superior management zones MN-3 and MN-2 for expanded assessment and sale.
229.6 The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake
229.7 Superior management zone MN-3 beginning annually in 2007 and zone MN-2 beginning
229.8 annually in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone
229.9 MN-3 and 2,000 lake trout in zone MN-2 and may be reduced when necessary to protect
229.10 the lake trout population or to manage the effects of invasive species or fish disease. Taking
229.11 lake trout for expanded assessment and sale shall be allowed from June 1 ~~to~~ through
229.12 September 30, but may end earlier in the respective zones if the quotas are reached. The
229.13 quotas must be reassessed at the expiration of the current ten-year Fisheries Management
229.14 Plan for the Minnesota Waters of Lake Superior.

229.15 Sec. 94. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
229.16 to read:

229.17 Subd. 9c. **Ecosystem harm.** "Ecosystem harm" means to change the biological
229.18 community and ecology in a manner that results in loss of ecological structure or function.

82.6 than ten inches wide including curvature, measured from side to side across the shell at
82.7 midpoint. After new rules are adopted under section 97C.605, a person may only take
82.8 snapping turtles of a size specified in the adopted rules.

82.9 Subd. 2. **Western painted turtles.** (a) A person may not possess more than three Western
82.10 painted turtles of the species *Chrysemys picta* ~~without a turtle seller's license~~. Western
82.11 painted turtles must be between 4 and 5-1/2 inches in shell length.

82.12 (b) This subdivision does not apply to persons acting under section 97C.605, subdivision
82.13 2c, ~~clause (4)~~ paragraph (a).

82.14 ~~Subd. 3. **Spiny softshell.** A person may not possess spiny softshell turtles of the species~~
82.15 ~~*Apalone spinifera* after December 1, 2021, without an aquatic farm or private fish hatchery~~
82.16 ~~license with a turtle endorsement.~~

82.17 Subd. 4. **Other species.** A person may not possess any other species of turtle ~~without~~
82.18 except with an aquatic farm or private fish hatchery license with a turtle endorsement or as
82.19 specified under section 97C.605, subdivision 2c.

82.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

S2904-2

23.8 Sec. 44. Minnesota Statutes 2022, section 97C.836, is amended to read:

23.9 **97C.836 LAKE SUPERIOR LAKE TROUT; EXPANDED ASSESSMENT**
23.10 **HARVEST.**

23.11 The commissioner shall provide for taking of lake trout by licensed commercial operators
23.12 in Lake Superior management zones MN-3 and MN-2 for expanded assessment and sale.
23.13 The commissioner shall authorize expanded assessment taking and sale of lake trout in Lake
23.14 Superior management zone MN-3 beginning annually in 2007 and zone MN-2 beginning
23.15 annually in 2010. Total assessment taking and sale may not exceed 3,000 lake trout in zone
23.16 MN-3 and 2,000 lake trout in zone MN-2 and may be reduced when necessary to protect
23.17 the lake trout population or to manage the effects of invasive species or fish disease. Taking
23.18 lake trout for expanded assessment and sale shall be allowed from June 1 ~~to~~ through
23.19 September 30, but may end earlier in the respective zones if the quotas are reached. The
23.20 quotas must be reassessed at the expiration of the current ten-year Fisheries Management
23.21 Plan for the Minnesota Waters of Lake Superior.

23.22 Sec. 45. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
23.23 to read:

23.24 Subd. 9c. **Ecosystem harm.** "Ecosystem harm" means to change the biological
23.25 community and ecology in a manner that results in loss of ecological structure or function.

229.19 Sec. 95. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
229.20 to read:

229.21 Subd. 13b. **Negative impact to surface waters.** "Negative impact to surface waters"
229.22 means a change in hydrology sufficient to cause aquatic ecosystem harm or alter riparian
229.23 uses long term.

229.24 Sec. 96. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
229.25 to read:

229.26 Subd. 15i. **Sustainable diversion limit.** "Sustainable diversion limit" means a maximum
229.27 amount of water that can be removed directly or indirectly from a surface water body in a
229.28 defined geographic area on a monthly or annual basis without causing a negative impact to
229.29 the surface water body.

230.1 Sec. 97. **[103G.134] ORDERS AND INVESTIGATIONS.**

230.2 The commissioner has the following powers and duties when acting pursuant to the
230.3 enforcement provisions of this chapter:

230.4 (1) to adopt, issue, reissue, modify, deny, revoke, enter into, or enforce reasonable orders,
230.5 schedules of compliance, and stipulation agreements;

230.6 (2) to issue notices of violation;

230.7 (3) to require a person holding a permit issued under this chapter or otherwise impacting
230.8 the public waters of the state without a permit issued under this chapter to:

230.9 (i) make reports;

230.10 (ii) install, use, and maintain monitoring equipment or methods;

230.11 (iii) perform tests according to methods, at locations, at intervals, and in a manner as
230.12 the commissioner prescribes; and

230.13 (iv) provide other information as the commissioner may reasonably require; and

230.14 (4) to conduct investigations; issue notices, public and otherwise; and order hearings as
230.15 the commissioner deems necessary or advisable to discharge duties under this chapter,
230.16 including but not limited to issuing permits and authorizing an employee or agent appointed
230.17 by the commissioner to conduct the investigations and other authorities cited in this section.

23.26 Sec. 46. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
23.27 to read:

23.28 Subd. 13b. **Negative impact to surface waters.** "Negative impact to surface waters"
23.29 means a change in hydrology sufficient to cause aquatic ecosystem harm or alter riparian
23.30 uses long term.

24.1 Sec. 47. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
24.2 to read:

24.3 Subd. 15i. **Sustainable diversion limit.** "Sustainable diversion limit" means a maximum
24.4 amount of water that can be removed directly or indirectly from a surface water body in a
24.5 defined geographic area on a monthly or annual basis without causing a negative impact to
24.6 the surface water body.

24.7 Sec. 48. **[103G.134] ORDERS AND INVESTIGATIONS.**

24.8 (a) The commissioner has the following powers and duties when acting pursuant to the
24.9 enforcement provisions of this chapter:

24.10 (1) to adopt, issue, reissue, modify, deny, revoke, enter into, or enforce reasonable orders,
24.11 schedules of compliance, and stipulation agreements;

24.12 (2) to issue notices of violation;

24.13 (3) to require a person holding a permit issued under this chapter or otherwise impacting
24.14 the public waters of the state without a permit issued under this chapter to:

24.15 (i) make reports;

24.16 (ii) install, use, and maintain monitoring equipment or methods;

24.17 (iii) perform tests according to methods, at locations, at intervals, and in a manner as
24.18 the commissioner prescribes; and

24.19 (iv) provide other information as the commissioner may reasonably require; and

24.20 (4) to conduct investigations; issue notices, public and otherwise; and order hearings as
24.21 the commissioner deems necessary or advisable to discharge duties under this chapter,
24.22 including but not limited to issuing permits and authorizing an employee or agent appointed
24.23 by the commissioner to conduct the investigations and other authorities cited in this section.

24.24 Sec. 49. **[103G.146] DUTY OF CANDOR.**

230.18 Sec. 98. **[103G.146] DUTY OF CANDOR.**

230.19 (a) A person must not knowingly:

230.20 (1) make a false statement of fact or fail to correct a false statement of material fact
230.21 regarding any matter pertaining to this chapter;

230.22 (2) fail to disclose information that the person knows is necessary for the commissioner
230.23 to make an informed decision under this chapter; or

230.24 (3) offer information that the person knows to be false.

230.25 (b) If a person has offered material information to the commissioner and the person
230.26 comes to know the information is false, the person must take reasonable remedial measures
230.27 to provide the accurate information.

231.1 Sec. 99. **[103G.216] REPORTING FISH KILLS IN PUBLIC WATERS.**

231.2 Subdivision 1. **Definition.** For the purposes of this section and section 103G.2165, "fish
231.3 kill" means an incident resulting in the death of 25 or more fish within one linear mile of a
231.4 flowing water or 25 or more fish within a square mile of a nonflowing water, excluding fish
231.5 lawfully taken under the game and fish laws.

231.6 Subd. 2. **Reporting requirement.** A state or county staff person or official who works
231.7 with natural resources or agriculture and who learns of a fish kill in public waters must
231.8 report the location of the fish kill to the Minnesota state duty officer within one hour of
231.9 being notified of a fish kill or within four hours of first observing the fish kill. The Minnesota
231.10 state duty officer must alert the Departments of Natural Resources and Health and the
231.11 Pollution Control Agency of the location of the fish kill within one hour of being notified
231.12 of the fish kill.

231.13 Sec. 100. **[103G.2165] DEVELOPMENT OF FISH KILL RESPONSE PROTOCOL.**

231.14 Subdivision 1. **Development of protocol.** By October 1, 2024, the commissioner of the
231.15 Pollution Control Agency, in consultation with the commissioners of health, natural resources,
231.16 and agriculture, must update the fish kill response guidance by developing a protocol. The
231.17 protocol must consist of steps that state agencies responding to a report of a fish kill under
231.18 section 103G.216 must take to ascertain on the basis of sound scientific evidence the factors
231.19 contributing to the fish kill, as well as a plan to notify the public of potential hazards. The
231.20 protocol must address:

231.21 (1) the number and species of fish and other aquatic creatures to be sampled from the
231.22 body of water in which the fish kill occurred;

231.23 (2) the locations from which samples described in clause (1) should be taken;

24.25 (a) A person must not knowingly:

24.26 (1) make a false statement of fact or fail to correct a false statement of material fact
24.27 regarding any matter pertaining to this chapter;

24.28 (2) fail to disclose information that the person knows is necessary for the commissioner
24.29 to make an informed decision under this chapter; or

24.30 (3) offer information that the person knows to be false.

25.1 (b) If a person has offered material information to the commissioner and the person
25.2 comes to know the information is false, the person must take reasonable remedial measures
25.3 to provide the accurate information.

UEH2310-2

93.1 Sec. 46. **[103G.216] REPORTING FISH KILLS IN PUBLIC WATERS.**

93.2 Subdivision 1. **Definition.** For the purposes of this section and section 103G.2165, "fish
93.3 kill" means an incident resulting in the death of 25 or more fish within one linear mile of a
93.4 flowing water or 25 or more fish within a square mile of a nonflowing water.

93.5 Subd. 2. **Reporting requirement.** A state or county staff person or official who learns
93.6 of a fish kill in public waters must report the location of the fish kill to the Minnesota state
93.7 duty officer within one hour of being notified of a fish kill or within four hours of first
93.8 observing the fish kill. The Minnesota state duty officer must alert the Departments of
93.9 Agriculture, Health, and Natural Resources and the Pollution Control Agency of the location
93.10 of the fish kill within one hour of being notified of the fish kill. When a fish kill is reported,
93.11 it must be posted to the EQB Monitor in the next scheduled posting.

93.12 Sec. 47. **[103G.2165] DEVELOPMENT OF FISH KILL RESPONSE PROTOCOL.**

93.13 Subdivision 1. **Development of protocol.** By June 30, 2024, the commissioners of
93.14 agriculture, health, and natural resources and the commissioner of the Pollution Control
93.15 Agency must update the fish kill response guidance by developing a protocol. The protocol
93.16 must consist of steps that state agencies responding to a report of a fish kill under section
93.17 103G.216 must take to ascertain cause of or contributing factors to the fish kill based on
93.18 scientific data and information gathered through investigation, as well as a communication
93.19 plan to inform the public of potential hazards. The protocol must address:

93.20 (1) how to approach sampling for aquatic life in most fish kill situations;

93.21 (2) the types of locations from which samples described in clause (1) should be taken;

231.24 (3) the number and location of water samples to be taken from the body of water in
231.25 which the fish kill occurred as well as tributary streams and private wells with landowner
231.26 consent within a one-half-mile radius;

231.27 (4) the number and location of soil and groundwater samples to be taken to ascertain
231.28 whether contaminants traveled overland or underground to reach the body of water in which
231.29 the fish kill occurred;

231.30 (5) sampling other materials located near the area of the fish kill that should be done,
231.31 including but not limited to vegetation and manure, that may indicate the presence of
231.32 contaminants that may have contributed to the fish kill;

232.1 (6) developing a comprehensive list of contaminants, including degradation products,
232.2 for which the materials sampled in clauses (3) to (5) should be tested;

232.3 (7) the appropriate concentration limits to be used in testing samples for the presence
232.4 of contaminants, allowing for the possibility that the fish kill may have resulted from the
232.5 interaction of two or more contaminants present at concentrations below the level associated
232.6 with toxic effects resulting from exposure to each individual chemical;

232.7 (8) proper handling, storage, and treatment necessary to preserve the integrity of the
232.8 samples described in this subdivision to maximize the information the samples can yield
232.9 regarding the cause of the fish kill;

232.10 (9) the organs and other parts of the fish and other aquatic creatures that should be
232.11 analyzed to maximize the information the samples can yield regarding the cause of the fish
232.12 kill;

232.13 (10) identifying a rapid response team of interagency staff or an independent contractor
232.14 with the necessary data collection equipment that can travel to the site of the fish kill to
232.15 collect samples within 24 to 48 hours of the incident;

232.16 (11) a communications plan with a health-risk assessment to notify potentially impacted
232.17 downstream users of the surface water of the potential hazards and those in the vicinity
232.18 whose public or private water supply from surface water or groundwater may be impacted;
232.19 and

232.20 (12) a process to identify existing rules or regulatory processes that should be reviewed
232.21 and potentially revised in the fish kill investigation and report. Investigation reports for fish
232.22 kills deemed unnatural must identify the probable causes and include state agency
232.23 recommendations for preventing similar incidents in the future.

93.22 (3) the types of locations where water samples should be taken from the body of water
93.23 in which the fish kill occurred, as well as tributary streams and private wells with landowner
93.24 consent that should also be sampled;

93.25 (4) the types of locations from which soil and groundwater samples should be taken to
93.26 ascertain whether contaminants traveled overland or underground to reach the body of water
93.27 in which the fish kill occurred;

93.28 (5) where other sampling should occur to determine the presence of contaminants that
93.29 may have contributed to the fish kill;

93.30 (6) developing a comprehensive list of contaminants, including degradation products,
93.31 for which the materials sampled in clauses (3) to (5) should be tested;

94.1 (7) the appropriate concentration limits to be used in testing samples for the presence
94.2 of contaminants, allowing for the possibility that the fish kill may have resulted from the
94.3 interaction of two or more contaminants present at concentrations below the level associated
94.4 with toxic effects resulting from exposure to each individual chemical;

94.5 (8) proper handling, storage, and treatment necessary to preserve the integrity of the
94.6 samples described in this subdivision to maximize the information the samples can yield
94.7 regarding the cause of the fish kill;

94.8 (9) the organs and other parts of the fish and other aquatic creatures that should be
94.9 analyzed to maximize the information the samples can yield regarding the cause of the fish
94.10 kill;

94.11 (10) identifying a rapid response team of interagency staff or an independent contractor
94.12 with the necessary data collection equipment that can travel to the site of the fish kill to
94.13 collect samples within 24 to 48 hours of the incident;

94.14 (11) a communications plan with a health-risk assessment to notify potentially impacted
94.15 downstream users of the surface water of the potential hazards and those in the vicinity
94.16 whose public or private water supply, including surface water or groundwater, may be
94.17 impacted; and

94.18 (12) the proposed content and timing for investigation reports filed following fish kills.
94.19 Investigation reports should identify the probable causes and include recommendations to
94.20 prevent similar incidents in the future.

94.21 Subd. 2. Review of protocol. The Departments of Agriculture, Health, and Natural
94.22 Resources and the Pollution Control Agency must post the draft protocol to their websites
94.23 for a 60-day period for public review and comment. The Departments of Agriculture, Health,
94.24 and Natural Resources and the Pollution Control Agency must hold one or more public
94.25 informational meetings on the draft protocol. The Departments of Agriculture, Health, and

232.24 Subd. 2. **Implementation.** The commissioner of the Pollution Control Agency must
232.25 submit the protocol to the chairs and ranking minority members of the legislative committees
232.26 and divisions with jurisdiction over environment and natural resources. Once the protocol
232.27 has been submitted, the state agencies must follow the protocol when responding to a fish
232.28 kill.

232.29 Subd. 3. **Updating protocol.** The parties named in subdivision 1 must review and update
232.30 the protocol every five years.

233.1 Sec. 101. Minnesota Statutes 2022, section 103G.271, subdivision 6, is amended to read:

233.2 Subd. 6. **Water-use permit; processing fee.** (a) Except as described in paragraphs (b)
233.3 to (g), a water-use permit processing fee must be prescribed by the commissioner in
233.4 accordance with the schedule of fees in this subdivision for each water-use permit in force
233.5 at any time during the year. Fees collected under this paragraph are credited to the water
233.6 management account in the natural resources fund. The schedule is as follows, with the
233.7 stated fee in each clause applied to the total amount appropriated:

233.8 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

233.9 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less
233.10 than 100,000,000 gallons per year;

233.11 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than
233.12 150,000,000 gallons per year;

233.13 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less
233.14 than 200,000,000 gallons per year;

233.15 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than
233.16 250,000,000 gallons per year;

233.17 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less
233.18 than 300,000,000 gallons per year;

233.19 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than
233.20 350,000,000 gallons per year;

233.21 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less
233.22 than 400,000,000 gallons per year;

233.23 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than
233.24 450,000,000 gallons per year;

94.26 Natural Resources and the Pollution Control Agency must consider comments submitted
94.27 during the public comment period before posting the final protocol to their websites.

94.28 Subd. 3. **Implementation.** Once the protocol has been published, the relevant state
94.29 agencies must follow the protocol and must maintain data related to each fish kill response
94.30 documenting the extent to which the protocol was followed and any reasons why it was not.
94.31 Once the protocol is in effect, investigation reports for fish kills must be posted to the EQB
94.32 Monitor.

95.1 Subd. 4. **Updating protocol.** The updated protocol must be reviewed by the
95.2 commissioners of agriculture, health, and natural resources, and the commissioner of the
95.3 Pollution Control Agency at least every five years according to the procedures in this section.

233.25 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less
233.26 than 500,000,000 gallons per year; and

233.27 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

233.28 (b) For once-through cooling systems, a water-use processing fee must be prescribed
233.29 by the commissioner in accordance with the following schedule of fees for each water-use
233.30 permit in force at any time during the year:

233.31 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

234.1 (2) for all other users, \$420 per 1,000,000 gallons.

234.2 (c) The fee is payable based on the amount of water appropriated during the year and,
234.3 except as provided in paragraph (f), the minimum fee is \$100.

234.4 (d) For water-use processing fees other than once-through cooling systems:

234.5 (1) the fee for a city of the first class may not exceed \$250,000 per year;

234.6 (2) the fee for other entities for any permitted use may not exceed:

234.7 (i) \$60,000 per year for an entity holding three or fewer permits;

234.8 (ii) \$90,000 per year for an entity holding four or five permits; or

234.9 (iii) \$300,000 per year for an entity holding more than five permits;

234.10 (3) the fee for agricultural irrigation may not exceed \$750 per year;

234.11 (4) the fee for a municipality that furnishes electric service and cogenerates steam for
234.12 home heating may not exceed \$10,000 for its permit for water use related to the cogeneration
234.13 of electricity and steam;

234.14 (5) the fee for a facility that temporarily diverts a water of the state from its natural
234.15 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per
234.16 year. A permit for such a facility does not count toward the number of permits held by an
234.17 entity as described in this paragraph; and

234.18 (6) no fee is required for a project involving the appropriation of surface water to prevent
234.19 flood damage or to remove flood waters during a period of flooding, as determined by the
234.20 commissioner.

234.21 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ten
234.22 percent per month calculated from the original due date must be imposed on the unpaid
234.23 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee
234.24 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal
234.25 governmental agency holding a water appropriation permit.

234.26 (f) The minimum water-use processing fee for a permit issued for irrigation of agricultural
234.27 land is \$20 for years in which:

234.28 (1) there is no appropriation of water under the permit; or

234.29 (2) the permit is suspended for more than seven consecutive days between May 1 and

234.30 October 1.

235.1 (g) The commissioner shall waive the water-use permit fee for installations and projects

235.2 that use stormwater runoff or where public entities are diverting water to treat a water quality

235.3 issue and returning the water to its source without using the water for any other purpose,

235.4 unless the commissioner determines that the proposed use adversely affects surface water

235.5 or groundwater.

235.6 (h) A surcharge of ~~\$30~~ \$50 per million gallons in addition to the fee prescribed in

235.7 paragraph (a) shall be applied to the volume of water used in each of the months of May,

235.8 June, July, ~~and~~ August, and September that exceeds the volume of water used in January

235.9 for municipal water use, irrigation of golf courses, and landscape irrigation. The surcharge

235.10 for municipalities with more than one permit shall be determined based on the total

235.11 appropriations from all permits that supply a common distribution system.

235.12 Sec. 102. Minnesota Statutes 2022, section 103G.287, subdivision 2, is amended to read:

235.13 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations ~~that~~

235.14 ~~will have negative impacts to surface waters are subject to applicable provisions in section~~

235.15 ~~103G.285~~ may be authorized only if they avoid known negative impacts to surface waters.

235.16 If the commissioner determines that groundwater appropriations are having a negative

235.17 impact to surface waters, the commissioner may use a sustainable diversion limit or other

235.18 relevant method, tools, or information to implement measures so that groundwater

235.19 appropriations do not negatively impact the surface waters.

235.20 Sec. 103. Minnesota Statutes 2022, section 103G.287, subdivision 3, is amended to read:

235.21 Subd. 3. **Protecting groundwater supplies.** The commissioner may establish water

235.22 appropriation limits to protect groundwater resources. When establishing water appropriation

235.23 limits to protect groundwater resources, the commissioner must consider the sustainability

235.24 of the groundwater resource, including the current and projected water levels, cumulative

235.25 withdrawal rates from the resource on a monthly or annual basis, water quality, whether

235.26 the use protects ecosystems, and the ability of future generations to meet their own needs.

235.27 The commissioner may consult with the commissioners of health, agriculture, and the

235.28 Pollution Control Agency and other state entities when determining the impacts on water

235.29 quality and quantity.

235.30 Sec. 104. Minnesota Statutes 2022, section 103G.299, subdivision 1, is amended to read:

235.31 Subdivision 1. **Authority to issue administrative penalty orders.** (a) As provided in

235.32 paragraph (b), the commissioner may issue an order requiring violations to be corrected

S2904-2

25.18 Sec. 51. Minnesota Statutes 2022, section 103G.287, subdivision 2, is amended to read:

25.19 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations ~~that~~

25.20 ~~will have negative impacts to surface waters are subject to applicable provisions in section~~

25.21 ~~103G.285~~ may be authorized only if they avoid known negative impacts to surface waters.

25.22 If the commissioner determines that groundwater appropriations are having a negative

25.23 impact to surface waters, the commissioner may use a sustainable diversion limit or other

25.24 relevant method, tools, or information to implement measures so that groundwater

25.25 appropriations do not negatively impact the surface waters.

25.26 Sec. 52. Minnesota Statutes 2022, section 103G.299, subdivision 1, is amended to read:

25.27 Subdivision 1. **Authority to issue administrative penalty orders.** (a) As provided in

25.28 paragraph (b), the commissioner may issue an order requiring violations to be corrected

236.1 and administratively assessing monetary penalties for violations of sections 103G.271 and
236.2 103G.275, and any rules adopted under those sections.

236.3 (b) An order under this section may be issued to a person for water appropriation activities
236.4 without a required permit or for violating the terms of a required permit.

236.5 (c) The order must be issued as provided in this section and in accordance with the plan
236.6 prepared under subdivision 12.

236.7 Sec. 105. Minnesota Statutes 2022, section 103G.299, subdivision 2, is amended to read:

236.8 Subd. 2. **Amount of penalty; considerations.** (a) The commissioner may issue orders
236.9 assessing administrative penalties ~~based on potential for harm and deviation from compliance.~~
236.10 ~~For a violation that presents: up to \$40,000.~~

236.11 ~~(1) a minor potential for harm and deviation from compliance, the penalty will be no~~
236.12 ~~more than \$1,000;~~

236.13 ~~(2) a moderate potential for harm and deviation from compliance, the penalty will be~~
236.14 ~~no more than \$10,000; and~~

236.15 ~~(3) a severe potential for harm and deviation from compliance, the penalty will be no~~
236.16 ~~more than \$20,000.~~

236.17 (b) In determining the amount of a penalty the commissioner may consider:

236.18 (1) the gravity of the violation, including potential for, or real, damage to the public
236.19 interest or natural resources of the state;

236.20 (2) the history of past violations;

236.21 (3) the number of violations;

236.22 (4) the economic benefit gained by the person by allowing or committing the violation
236.23 based on data from local or state bureaus or educational institutions; and

236.24 (5) other factors as justice may require, if the commissioner specifically identifies the
236.25 additional factors in the commissioner's order.

236.26 (c) For a violation after an initial violation, including a continuation of the initial violation,
236.27 the commissioner must, in determining the amount of a penalty, consider the factors in
236.28 paragraph (b) and the:

236.29 (1) similarity of the most recent previous violation and the violation to be penalized;

236.30 (2) time elapsed since the last violation;

25.29 and administratively assessing monetary penalties for violations of sections 103G.271 and
25.30 103G.275, and any rules adopted under those sections.

26.1 (b) An order under this section may be issued to a person for water appropriation activities
26.2 without a required permit or for violating the terms of a required permit.

26.3 (c) The order must be issued as provided in this section and in accordance with the plan
26.4 prepared under subdivision 12.

26.5 Sec. 53. Minnesota Statutes 2022, section 103G.299, subdivision 2, is amended to read:

26.6 Subd. 2. **Amount of penalty; considerations.** (a) The commissioner may issue orders
26.7 assessing administrative penalties ~~based on potential for harm and deviation from compliance.~~
26.8 ~~For a violation that presents: up to \$40,000.~~

26.9 ~~(1) a minor potential for harm and deviation from compliance, the penalty will be no~~
26.10 ~~more than \$1,000;~~

26.11 ~~(2) a moderate potential for harm and deviation from compliance, the penalty will be~~
26.12 ~~no more than \$10,000; and~~

26.13 ~~(3) a severe potential for harm and deviation from compliance, the penalty will be no~~
26.14 ~~more than \$20,000.~~

26.15 (b) In determining the amount of a penalty the commissioner may consider:

26.16 (1) the gravity of the violation, including potential for, or real, damage to the public
26.17 interest or natural resources of the state;

26.18 (2) the history of past violations;

26.19 (3) the number of violations;

26.20 (4) the economic benefit gained by the person by allowing or committing the violation
26.21 based on data from local or state bureaus or educational institutions; and

26.22 (5) other factors as justice may require, if the commissioner specifically identifies the
26.23 additional factors in the commissioner's order.

26.24 (c) For a violation after an initial violation, including a continuation of the initial violation,
26.25 the commissioner must, in determining the amount of a penalty, consider the factors in
26.26 paragraph (b) and the:

26.27 (1) similarity of the most recent previous violation and the violation to be penalized;

26.28 (2) time elapsed since the last violation;

237.1 (3) number of previous violations; and

237.2 (4) response of the person to the most recent previous violation identified.

237.3 Sec. 106. Minnesota Statutes 2022, section 103G.299, subdivision 5, is amended to read:

237.4 Subd. 5. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner determines
237.5 that the violation has been corrected or appropriate steps have been taken to correct the
237.6 action, the penalty must be forgiven. Unless the person requests review of the order under
237.7 subdivision 6 or 7 before the penalty is due, the penalty in the order is due and payable:

237.8 (1) on the 31st day after the order was received, if the person subject to the order fails
237.9 to provide information to the commissioner showing that the violation has been corrected
237.10 or that appropriate steps have been taken toward correcting the violation; or

237.11 (2) on the 20th day after the person receives the commissioner's determination under
237.12 subdivision 4, paragraph (c), if the person subject to the order has provided information to
237.13 the commissioner that the commissioner determines is not sufficient to show that the violation
237.14 has been corrected or that appropriate steps have been taken toward correcting the violation.

237.15 (b) For repeated or serious violations, the commissioner may issue an order with a penalty
237.16 that is not forgiven after the corrective action is taken. The penalty is due by 31 days after
237.17 the order was is received, unless review of the order under subdivision 6 or 7 has been is
237.18 sought.

237.19 (c) Interest at the rate established in section 549.09 begins to accrue on penalties under
237.20 this subdivision on the 31st day after the order with the penalty ~~was~~ is received.

237.21 Sec. 107. Minnesota Statutes 2022, section 103G.299, subdivision 10, is amended to read:

237.22 Subd. 10. **Cumulative remedy.** The authority of the commissioner to issue a corrective
237.23 order assessing penalties is in addition to other remedies available under statutory or common
237.24 law, ~~except that the state may not seek civil penalties under any other provision of law for~~
237.25 ~~the violations covered by the administrative penalty order.~~ The payment of a penalty does
237.26 not preclude the use of other enforcement provisions, ~~under which penalties are not assessed,~~
237.27 in connection with the violation for which the penalty was assessed.

237.28 Sec. 108. **[103G.299] PENALTIES; ENFORCEMENT.**

237.29 Subdivision 1. **Civil penalties.** (a) The commissioner, according to section 103G.134,
237.30 may issue a notice to a person who violates:

237.31 (1) this chapter;

26.29 (3) number of previous violations; and

26.30 (4) response of the person to the most recent previous violation identified.

27.1 Sec. 54. Minnesota Statutes 2022, section 103G.299, subdivision 5, is amended to read:

27.2 Subd. 5. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner determines
27.3 that the violation has been corrected or appropriate steps have been taken to correct the
27.4 action, the penalty must be forgiven. Unless the person requests review of the order under
27.5 subdivision 6 or 7 before the penalty is due, the penalty in the order is due and payable:

27.6 (1) on the 31st day after the order was received, if the person subject to the order fails
27.7 to provide information to the commissioner showing that the violation has been corrected
27.8 or that appropriate steps have been taken toward correcting the violation; or

27.9 (2) on the 20th day after the person receives the commissioner's determination under
27.10 subdivision 4, paragraph (c), if the person subject to the order has provided information to
27.11 the commissioner that the commissioner determines is not sufficient to show that the violation
27.12 has been corrected or that appropriate steps have been taken toward correcting the violation.

27.13 (b) For repeated or serious violations, the commissioner may issue an order with a penalty
27.14 that is not forgiven after the corrective action is taken. The penalty is due by 31 days after
27.15 the order was is received, unless review of the order under subdivision 6 or 7 has been is
27.16 sought.

27.17 (c) Interest at the rate established in section 549.09 begins to accrue on penalties under
27.18 this subdivision on the 31st day after the order with the penalty ~~was~~ is received.

27.19 Sec. 55. Minnesota Statutes 2022, section 103G.299, subdivision 10, is amended to read:

27.20 Subd. 10. **Cumulative remedy.** The authority of the commissioner to issue a corrective
27.21 order assessing penalties is in addition to other remedies available under statutory or common
27.22 law, ~~except that the state may not seek civil penalties under any other provision of law for~~
27.23 ~~the violations covered by the administrative penalty order.~~ The payment of a penalty does
27.24 not preclude the use of other enforcement provisions, ~~under which penalties are not assessed,~~
27.25 in connection with the violation for which the penalty was assessed.

27.26 Sec. 56. **[103G.299] PENALTIES; ENFORCEMENT.**

27.27 Subdivision 1. **Civil penalties.** (a) The commissioner, according to section 103G.134,
27.28 may issue a notice to a person who violates:

238.1 (2) a permit issued under this chapter or a term or condition of a permit issued under
238.2 this chapter;

238.3 (3) a duty under this chapter to permit an inspection, entry, or monitoring activity or a
238.4 duty under this chapter to carry out an inspection or monitoring activity;

238.5 (4) a rule adopted under this chapter;

238.6 (5) a stipulation agreement, variance, or schedule of compliance entered into under this
238.7 chapter; or

238.8 (6) an order issued by the commissioner under this chapter.

238.9 (b) A person issued a notice forfeits and must pay to the state a penalty, in an amount
238.10 to be determined by the district court, of not more than \$10,000 per day of violation.

238.11 (c) In the discretion of the district court, a defendant under this section may be required
238.12 to:

238.13 (1) forfeit and pay to the state a sum that adequately compensates the state for the
238.14 reasonable value of restoration, monitoring, and other expenses directly resulting from the
238.15 unauthorized use of or damage to natural resources of the state; and

238.16 (2) forfeit and pay to the state an additional sum to constitute just compensation for any
238.17 damage, loss, or destruction of the state's natural resources and for other actual damages to
238.18 the state caused by an unauthorized use of natural resources of the state.

238.19 (d) As a defense to damages assessed under paragraph (c), a defendant may prove that
238.20 the violation was caused solely by:

238.21 (1) an act of God;

238.22 (2) an act of war;

238.23 (3) negligence on the part of the state;

238.24 (4) an act or failure to act that constitutes sabotage or vandalism; or

238.25 (5) any combination of clauses (1) to (4).

238.26 (e) The civil penalties and damages provided for in this subdivision may be recovered
238.27 by a civil action brought by the attorney general in the name of the state in Ramsey County
238.28 District Court. Civil penalties and damages provided for in this subdivision may be resolved
238.29 by the commissioner through a negotiated stipulation agreement according to the authority
238.30 granted to the commissioner in section 103G.134.

27.29 (1) this chapter;

27.30 (2) a permit issued under this chapter or a term or condition of a permit issued under
27.31 this chapter;

28.1 (3) a duty under this chapter to permit an inspection, entry, or monitoring activity or a
28.2 duty under this chapter to carry out an inspection or monitoring activity;

28.3 (4) a rule adopted under this chapter;

28.4 (5) a stipulation agreement, variance, or schedule of compliance entered into under this
28.5 chapter; or

28.6 (6) an order issued by the commissioner under this chapter.

28.7 (b) A person issued a notice forfeits and must pay to the state a penalty, in an amount
28.8 to be determined by the district court, of not more than \$10,000 per day of violation.

28.9 (c) In the discretion of the district court, a defendant under this section may be required
28.10 to:

28.11 (1) forfeit and pay to the state a sum that adequately compensates the state for the
28.12 reasonable value of restoration, monitoring, and other expenses directly resulting from the
28.13 unauthorized use of or damage to natural resources of the state; and

28.14 (2) forfeit and pay to the state an additional sum to constitute just compensation for any
28.15 damage, loss, or destruction of the state's natural resources and for other actual damages to
28.16 the state caused by an unauthorized use of natural resources of the state.

28.17 (d) As a defense to damages assessed under paragraph (c), a defendant may prove that
28.18 the violation was caused solely by:

28.19 (1) an act of God;

28.20 (2) an act of war;

28.21 (3) negligence on the part of the state;

28.22 (4) an act or failure to act that constitutes sabotage or vandalism; or

28.23 (5) any combination of clauses (1) to (5).

28.24 (e) The civil penalties and damages provided for in this subdivision may be recovered
28.25 by a civil action brought by the attorney general in the name of the state in Ramsey County
28.26 District Court. Civil penalties and damages provided for in this subdivision may be resolved
28.27 by the commissioner through a negotiated stipulation agreement according to the authority
28.28 granted to the commissioner in section 103G.134.

239.1 Subd. 2. **Enforcement.** This chapter and rules, standards, orders, stipulation agreements,
239.2 schedules of compliance, and permits adopted or issued by the commissioner under this
239.3 chapter or any other law for preventing, controlling, or abating damage to natural resources
239.4 may be enforced by one or more of the following:

- 239.5 (1) criminal prosecution;
- 239.6 (2) action to recover civil penalties;
- 239.7 (3) injunction;
- 239.8 (4) action to compel performance; or
- 239.9 (5) other appropriate action according to this chapter.

239.10 Subd. 3. **Injunctions.** A violation of this chapter or rules, standards, orders, stipulation
239.11 agreements, variances, schedules of compliance, and permits adopted or issued under this
239.12 chapter constitutes a public nuisance and may be enjoined as provided by law in an action,
239.13 in the name of the state, brought by the attorney general.

239.14 Subd. 4. **Actions to compel performance.** (a) In an action to compel performance of
239.15 an order issued by the commissioner for any purpose related to preventing, controlling, or
239.16 abating damage to natural resources under this chapter, the court may require a defendant
239.17 adjudged responsible to do and perform any and all acts set forth in the commissioner's
239.18 order and all things within the defendant's power that are reasonably necessary to accomplish
239.19 the purposes of the order.

239.20 (b) If a municipality or its governing or managing body or any of its officers is a
239.21 defendant, the court may require the municipality to exercise its powers, without regard to
239.22 any limitation of a requirement for an election or referendum imposed thereon by law and
239.23 without restricting the powers of the commissioner, to do any or all of the following, without
239.24 limiting the generality hereof:

- 239.25 (1) levy taxes or special assessments;
- 239.26 (2) prescribe service or use charges;
- 239.27 (3) borrow money;
- 239.28 (4) issue bonds;
- 239.29 (5) employ assistance;
- 239.30 (6) acquire real or personal property;
- 239.31 (7) let contracts;

28.29 Subd. 2. **Enforcement.** This chapter and rules, standards, orders, stipulation agreements,
28.30 schedules of compliance, and permits adopted or issued by the commissioner under this
29.1 chapter or any other law for preventing, controlling, or abating damage to natural resources
29.2 may be enforced by one or more of the following:

- 29.3 (1) criminal prosecution;
- 29.4 (2) action to recover civil penalties;
- 29.5 (3) injunction;
- 29.6 (4) action to compel performance; or
- 29.7 (5) other appropriate action according to this chapter.

29.8 Subd. 3. **Injunctions.** A violation of this chapter or rules, standards, orders, stipulation
29.9 agreements, variances, schedules of compliance, and permits adopted or issued under this
29.10 chapter constitutes a public nuisance and may be enjoined as provided by law in an action,
29.11 in the name of the state, brought by the attorney general.

29.12 Subd. 4. **Actions to compel performance.** (a) In an action to compel performance of
29.13 an order issued by the commissioner for any purpose related to preventing, controlling, or
29.14 abating damage to natural resources under this chapter, the court may require a defendant
29.15 adjudged responsible to do and perform any and all acts set forth in the commissioner's
29.16 order and all things within the defendant's power that are reasonably necessary to accomplish
29.17 the purposes of the order.

29.18 (b) If a municipality or its governing or managing body or any of its officers is a
29.19 defendant, the court may require the municipality to exercise its powers, without regard to
29.20 any limitation of a requirement for an election or referendum imposed thereon by law and
29.21 without restricting the powers of the commissioner, to do any or all of the following, without
29.22 limiting the generality hereof:

- 29.23 (1) levy taxes or special assessments;
- 29.24 (2) prescribe service or use charges;
- 29.25 (3) borrow money;
- 29.26 (4) issue bonds;
- 29.27 (5) employ assistance;
- 29.28 (6) acquire real or personal property;
- 29.29 (7) let contracts;

240.1 (8) otherwise provide for doing work or constructing, installing, maintaining, or operating
240.2 facilities; and

240.3 (9) do all acts and things reasonably necessary to accomplish the purposes of the
240.4 commissioner's order.

240.5 (c) The court must grant a municipality under paragraph (b) the opportunity to determine
240.6 the appropriate financial alternatives to be used to comply with the court-imposed
240.7 requirements.

240.8 (d) An action brought under this subdivision must be venued in Ramsey County District
240.9 Court.

240.10 Sec. 109. Minnesota Statutes 2022, section 103G.301, subdivision 2, is amended to read:

240.11 Subd. 2. **Permit application and notification fees.** (a) A fee to defray the costs of
240.12 receiving, recording, and processing must be paid for a permit application authorized under
240.13 this chapter, except for a general permit application, for each request to amend or transfer
240.14 an existing permit, and for a notification to request authorization to conduct a project under
240.15 a general permit. Fees established under this subdivision, unless specified in paragraph (c),
240.16 must comply with section 16A.1285.

240.17 (b) Proposed projects that require water in excess of 100 million gallons per year must
240.18 be assessed fees to recover the costs incurred to evaluate the project and the costs incurred
240.19 for environmental review. Fees collected under this paragraph must be credited to an account
240.20 in the natural resources fund and are appropriated to the commissioner.

240.21 (c) The fee to apply for a permit to appropriate water, in addition to any fee under
240.22 paragraph (b), is \$150. The application fee for a permit to construct or repair a dam that is
240.23 subject to a dam safety inspection, to work in public waters, or to divert waters for mining
240.24 must be at least \$300 \$1,200, but not more than \$3,000 \$12,000. The fee for a notification
240.25 to request authorization to conduct a project under a general permit is \$100 \$400.

240.26 Sec. 110. Minnesota Statutes 2022, section 103G.301, subdivision 6, is amended to read:

240.27 Subd. 6. **Filing application.** An application for a permit must be filed with the
240.28 commissioner ~~and~~. If the proposed activity for which the permit is requested is within a
240.29 municipality, ~~or~~ is within or affects a watershed district or a soil and water conservation
240.30 district, ~~or~~ is within the boundaries of a reservation or Tribal community of a federally
240.31 recognized Indian Tribe in Minnesota, a copy of the application with maps, plans, and
240.32 specifications must be served on the mayor of the municipality, the secretary of the board
241.1 of managers of the watershed district, ~~and~~ the secretary of the board of supervisors of the
241.2 soil and water conservation district, ~~or~~ the Tribal chair of the federally recognized Indian
241.3 Tribe, as applicable. For purposes of this section, "federally recognized Indian Tribe" means
241.4 the Minnesota Tribal governments listed in section 10.65, subdivision 2.

29.30 (8) otherwise provide for doing work or constructing, installing, maintaining, or operating
29.31 facilities; and

30.1 (9) do all acts and things reasonably necessary to accomplish the purposes of the
30.2 commissioner's order.

30.3 (c) The court must grant a municipality under paragraph (b) the opportunity to determine
30.4 the appropriate financial alternatives to be used to comply with the court-imposed
30.5 requirements.

30.6 (d) An action brought under this subdivision must be venued in Ramsey County District
30.7 Court.

30.8 Sec. 57. Minnesota Statutes 2022, section 103G.301, subdivision 6, is amended to read:

30.9 Subd. 6. **Filing application.** An application for a permit must be filed with the
30.10 commissioner ~~and~~. If the proposed activity for which the permit is requested is within a
30.11 municipality, ~~or~~ is within or affects a watershed district or a soil and water conservation
30.12 district, ~~or~~ is within the boundaries of a reservation or Tribal community of a federally
30.13 recognized Indian Tribe in Minnesota, a copy of the application with maps, plans, and
30.14 specifications must be served on the mayor of the municipality, the secretary of the board
30.15 of managers of the watershed district, ~~and~~ the secretary of the board of supervisors of the
30.16 soil and water conservation district, ~~or~~ the Tribal chair of the federally recognized Indian
30.17 Tribe, as applicable. For purposes of this section, "federally recognized Indian Tribe" means
30.18 the Minnesota Tribal governments listed in section 10.65, subdivision 2.

241.5 Sec. 111. Minnesota Statutes 2022, section 103G.301, subdivision 7, is amended to read:

241.6 Subd. 7. **Recommendation of local units of government and federally recognized**
241.7 **Indian Tribes.** (a) If the proposed activity for which the permit is requested is within a
241.8 municipality, or is within or affects a watershed district or a soil and water conservation
241.9 district, the commissioner may obtain a written recommendation of the managers of the
241.10 district and the board of supervisors of the soil and water conservation district or the mayor
241.11 of the municipality before issuing or denying the permit.

241.12 (b) The managers, supervisors, or mayor must file a recommendation within 30 days
241.13 after receiving of a copy of the application for permit.

241.14 (c) If the proposed activity for which the permit is requested is within the boundaries of
241.15 a reservation or Tribal community of a federally recognized Indian Tribe in Minnesota, the
241.16 federally recognized Indian Tribe may:

241.17 (1) submit recommendations to the commissioner within 30 days of receiving the
241.18 application; or

241.19 (2) request Tribal consultation according to section 10.65 within 30 days of receiving
241.20 the application.

241.21 (d) If Tribal consultation is requested under paragraph (c), clause (2), a permit application
241.22 is not complete until after the consultation occurs or 90 days after the request for consultation
241.23 is made, whichever is sooner.

241.24 Sec. 112. Minnesota Statutes 2022, section 168.1295, subdivision 1, is amended to read:

241.25 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall
241.26 issue state parks and trails plates to an applicant who:

241.27 (1) is a registered owner of a passenger automobile, recreational vehicle, one-ton pickup
241.28 truck, or motorcycle;

241.29 (2) pays a fee in the amount specified for special plates under section 168.12, subdivision
241.30 5;

241.31 (3) pays the registration tax required under section 168.013;

242.1 (4) pays the fees required under this chapter;

242.2 (5) contributes a minimum of \$60 \$70 annually to the state parks and trails donation
242.3 account established in section 85.056; and

242.4 (6) complies with this chapter and rules governing registration of motor vehicles and
242.5 licensing of drivers.

30.19 Sec. 58. Minnesota Statutes 2022, section 103G.301, subdivision 7, is amended to read:

30.20 Subd. 7. **Recommendation of local units of government and federally recognized**
30.21 **Indian Tribes.** (a) If the proposed activity for which the permit is requested is within a
30.22 municipality, or is within or affects a watershed district or a soil and water conservation
30.23 district, the commissioner may obtain a written recommendation of the managers of the
30.24 district and the board of supervisors of the soil and water conservation district or the mayor
30.25 of the municipality before issuing or denying the permit.

30.26 (b) The managers, supervisors, or mayor must file a recommendation within 30 days
30.27 after receiving of a copy of the application for permit.

30.28 (c) If the proposed activity for which the permit is requested is within the boundaries of
30.29 a reservation or Tribal community of a federally recognized Indian Tribe in Minnesota, the
30.30 federally recognized Indian Tribe may:

30.31 (1) submit recommendations to the commissioner within 30 days of receiving the
30.32 application; or

31.1 (2) request Tribal consultation according to section 10.65 within 30 days of receiving
31.2 the application.

31.3 (d) If Tribal consultation is requested under paragraph (c), clause (2), a permit application
31.4 is not complete until after the consultation occurs or 90 days after the request for consultation
31.5 is made, whichever is sooner.

242.6 (b) The state parks and trails plate application must indicate that the contribution specified
242.7 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the
242.8 applicant may make an additional contribution to the account.

242.9 (c) State parks and trails plates may be personalized according to section 168.12,
242.10 subdivision 2a.

242.11 Sec. 113. Minnesota Statutes 2022, section 171.07, is amended by adding a subdivision
242.12 to read:

242.13 Subd. 20. **Watercraft operator's permit.** (a) The department must maintain in its
242.14 records information transmitted electronically from the commissioner of natural resources
242.15 identifying each person to whom the commissioner has issued a watercraft operator's permit.
242.16 The records transmitted from the Department of Natural Resources must contain the full
242.17 name and date of birth as required for the driver's license or identification card. Records
242.18 that are not matched to a driver's license or identification card record may be deleted after
242.19 seven years.

242.20 (b) After receiving information under paragraph (a) that a person has received a watercraft
242.21 operator's permit, the department must include on all drivers' licenses or Minnesota
242.22 identification cards subsequently issued to the person a graphic or written indication that
242.23 the person has received the permit.

242.24 (c) If a person who has received a watercraft operator's permit applies for a driver's
242.25 license or Minnesota identification card before that information has been transmitted to the
242.26 department, the department may accept a copy of the certificate as proof of its issuance and
242.27 must then follow the procedures in paragraph (b).

242.28 **EFFECTIVE DATE.** This section is effective July 1, 2025.

243.1 Sec. 114. Minnesota Statutes 2022, section 297A.94, is amended to read:

243.2 **297A.94 DEPOSIT OF REVENUES.**

243.3 (a) Except as provided in this section, the commissioner shall deposit the revenues,
243.4 including interest and penalties, derived from the taxes imposed by this chapter in the state
243.5 treasury and credit them to the general fund.

243.6 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic
243.7 account in the special revenue fund if:

243.8 (1) the taxes are derived from sales and use of property and services purchased for the
243.9 construction and operation of an agricultural resource project; and

243.10 (2) the purchase was made on or after the date on which a conditional commitment was
243.11 made for a loan guaranty for the project under section 41A.04, subdivision 3.

UEH2310-2

125.23 Sec. 63. Minnesota Statutes 2022, section 171.07, is amended by adding a subdivision to
125.24 read:

125.25 Subd. 20. **Watercraft operator's permit.** (a) The department must maintain in its
125.26 records information transmitted electronically from the commissioner of natural resources
125.27 identifying each person to whom the commissioner has issued a watercraft operator's permit.
125.28 The records transmitted from the Department of Natural Resources must contain the full
125.29 name and date of birth as required for the driver's license or identification card. Records
125.30 that are not matched to a driver's license or identification card record may be deleted after
125.31 seven years.

126.1 (b) After receiving information under paragraph (a) that a person has received a watercraft
126.2 operator's permit, the department must include on all drivers' licenses or Minnesota
126.3 identification cards subsequently issued to the person a graphic or written indication that
126.4 the person has received the permit.

126.5 (c) If a person who has received a watercraft operator's permit applies for a driver's
126.6 license or Minnesota identification card before that information has been transmitted to the
126.7 department, the department may accept a copy of the certificate as proof of its issuance and
126.8 must then follow the procedures in paragraph (b).

126.9 **EFFECTIVE DATE.** This section is effective July 1, 2025.

126.10 Sec. 64. Minnesota Statutes 2022, section 297A.94, is amended to read:

126.11 **297A.94 DEPOSIT OF REVENUES.**

126.12 (a) Except as provided in this section, the commissioner shall deposit the revenues,
126.13 including interest and penalties, derived from the taxes imposed by this chapter in the state
126.14 treasury and credit them to the general fund.

126.15 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic
126.16 account in the special revenue fund if:

126.17 (1) the taxes are derived from sales and use of property and services purchased for the
126.18 construction and operation of an agricultural resource project; and

126.19 (2) the purchase was made on or after the date on which a conditional commitment was
126.20 made for a loan guaranty for the project under section 41A.04, subdivision 3.

243.12 The commissioner of management and budget shall certify to the commissioner the date on
243.13 which the project received the conditional commitment. The amount deposited in the loan
243.14 guaranty account must be reduced by any refunds and by the costs incurred by the Department
243.15 of Revenue to administer and enforce the assessment and collection of the taxes.

243.16 (c) The commissioner shall deposit the revenues, including interest and penalties, derived
243.17 from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3,
243.18 paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

243.19 (1) first to the general obligation special tax bond debt service account in each fiscal
243.20 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

243.21 (2) after the requirements of clause (1) have been met, the balance to the general fund.

243.22 (d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit
243.23 in the state treasury the revenues collected under section 297A.64, subdivision 1, including
243.24 interest and penalties and minus refunds, and credit them to the highway user tax distribution
243.25 fund.

243.26 (e) The commissioner shall deposit the revenues, including interest and penalties,
243.27 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the
243.28 general fund. By July 15 of each year the commissioner shall transfer to the highway user
243.29 tax distribution fund an amount equal to the excess fees collected under section 297A.64,
243.30 subdivision 5, for the previous calendar year.

243.31 (f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit
243.32 of revenues under paragraph (d), the commissioner shall deposit into the state treasury and
244.1 credit to the highway user tax distribution fund an amount equal to the estimated revenues
244.2 derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or
244.3 rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The
244.4 commissioner shall estimate the amount of sales tax revenue deposited under this paragraph
244.5 based on the amount of revenue deposited under paragraph (d).

244.6 (g) The commissioner shall deposit an amount of the remittances monthly into the state
244.7 treasury and credit them to the highway user tax distribution fund as a portion of the estimated
244.8 amount of taxes collected from the sale and purchase of motor vehicle repair and replacement
244.9 parts in that month. The monthly deposit amount is \$12,137,000. For purposes of this
244.10 paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11, and
244.11 "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and
244.12 equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle
244.13 maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor
244.14 vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph,
244.15 "tire" means any tire of the type used on highway vehicles, if wholly or partially made of
244.16 rubber and if marked according to federal regulations for highway use.

126.21 The commissioner of management and budget shall certify to the commissioner the date on
126.22 which the project received the conditional commitment. The amount deposited in the loan
126.23 guaranty account must be reduced by any refunds and by the costs incurred by the Department
126.24 of Revenue to administer and enforce the assessment and collection of the taxes.

126.25 (c) The commissioner shall deposit the revenues, including interest and penalties, derived
126.26 from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3,
126.27 paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

126.28 (1) first to the general obligation special tax bond debt service account in each fiscal
126.29 year the amount required by section 16A.661, subdivision 3, paragraph (b); and

126.30 (2) after the requirements of clause (1) have been met, the balance to the general fund.

127.1 (d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit
127.2 in the state treasury the revenues collected under section 297A.64, subdivision 1, including
127.3 interest and penalties and minus refunds, and credit them to the highway user tax distribution
127.4 fund.

127.5 (e) The commissioner shall deposit the revenues, including interest and penalties,
127.6 collected under section 297A.64, subdivision 5, in the state treasury and credit them to the
127.7 general fund. By July 15 of each year the commissioner shall transfer to the highway user
127.8 tax distribution fund an amount equal to the excess fees collected under section 297A.64,
127.9 subdivision 5, for the previous calendar year.

127.10 (f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit
127.11 of revenues under paragraph (d), the commissioner shall deposit into the state treasury and
127.12 credit to the highway user tax distribution fund an amount equal to the estimated revenues
127.13 derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or
127.14 rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The
127.15 commissioner shall estimate the amount of sales tax revenue deposited under this paragraph
127.16 based on the amount of revenue deposited under paragraph (d).

127.17 (g) The commissioner shall deposit an amount of the remittances monthly into the state
127.18 treasury and credit them to the highway user tax distribution fund as a portion of the estimated
127.19 amount of taxes collected from the sale and purchase of motor vehicle repair and replacement
127.20 parts in that month. The monthly deposit amount is \$12,137,000. For purposes of this
127.21 paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11, and
127.22 "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and
127.23 equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle
127.24 maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor
127.25 vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph,
127.26 "tire" means any tire of the type used on highway vehicles, if wholly or partially made of
127.27 rubber and if marked according to federal regulations for highway use.

244.17 (h) ~~72.43~~ 78.06 percent of the revenues, including interest and penalties, transmitted to
244.18 the commissioner under section 297A.65, must be deposited by the commissioner in the
244.19 state treasury as follows:

244.20 (1) 50 percent of the receipts must be deposited in the heritage enhancement account in
244.21 the game and fish fund, and may be spent only on activities that improve, enhance, or protect
244.22 fish and wildlife resources, including conservation, restoration, and enhancement of land,
244.23 water, and other natural resources of the state;

244.24 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may
244.25 be spent only for state parks and trails;

244.26 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may
244.27 be spent only on metropolitan park and trail grants;

244.28 (4) three percent of the receipts must be deposited in the natural resources fund, and
244.29 may be spent only on local trail grants; and

244.30 (5) two percent of the receipts must be deposited in the natural resources fund, and may
244.31 be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory,
244.32 and the Duluth Zoo.

245.1 (i) The revenue dedicated under paragraph (h) may not be used as a substitute for
245.2 traditional sources of funding for the purposes specified, but the dedicated revenue shall
245.3 supplement traditional sources of funding for those purposes. Land acquired with money
245.4 deposited in the game and fish fund under paragraph (h) must be open to public hunting
245.5 and fishing during the open season, except that in aquatic management areas or on lands
245.6 where angling easements have been acquired, fishing may be prohibited during certain times
245.7 of the year and hunting may be prohibited. At least 87 percent of the money deposited in
245.8 the game and fish fund for improvement, enhancement, or protection of fish and wildlife
245.9 resources under paragraph (h) must be allocated for field operations.

127.28 (h) ~~72.43~~ Eighty-two percent of the revenues, including interest and penalties, transmitted
127.29 to the commissioner under section 297A.65, must be deposited by the commissioner in the
127.30 state treasury as follows:

127.31 (1) 50 percent of the receipts must be deposited in the heritage enhancement account in
127.32 the game and fish fund, and may be spent only on activities that improve, enhance, or protect
127.33 fish and wildlife resources, including conservation, restoration, and enhancement of land,
127.34 water, and other natural resources of the state;

128.1 (2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may
128.2 be spent only for state parks and trails;

128.3 (3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may
128.4 be spent only on metropolitan park and trail grants;

128.5 (4) three percent of the receipts must be deposited in the natural resources fund, and
128.6 may be spent only on local trail grants; and

128.7 (5) two percent of the receipts must be deposited in the natural resources fund, and may
128.8 be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory,
128.9 and the Duluth Zoo.

128.10 (i) Two percent of the revenues, including interest and penalties, transmitted to the
128.11 commissioner under section 297A.65 must be deposited in a regional parks and trails account
128.12 in the natural resources fund and may only be spent for parks and trails of regional
128.13 significance outside of the seven-county metropolitan area under section 85.535, based on
128.14 recommendations from the Greater Minnesota Regional Parks and Trails Commission under
128.15 section 85.536.

128.16 (j) One percent of the revenues, including interest and penalties, transmitted to the
128.17 commissioner under section 297A.65 must be deposited in an outdoor recreational
128.18 opportunities for underserved communities account in the natural resources fund and may
128.19 only be spent on projects and activities that connect diverse and underserved Minnesotans
128.20 through expanding cultural environmental experiences, exploration of their environment,
128.21 and outdoor recreational activities.

128.22 ~~(j)~~ (k) The revenue dedicated under paragraph (h) may not be used as a substitute for
128.23 traditional sources of funding for the purposes specified, but the dedicated revenue shall
128.24 supplement traditional sources of funding for those purposes. Land acquired with money
128.25 deposited in the game and fish fund under paragraph (h) must be open to public hunting
128.26 and fishing during the open season, except that in aquatic management areas or on lands
128.27 where angling easements have been acquired, fishing may be prohibited during certain times
128.28 of the year and hunting may be prohibited. At least 87 percent of the money deposited in
128.29 the game and fish fund for improvement, enhancement, or protection of fish and wildlife
128.30 resources under paragraph (h) must be allocated for field operations.

245.10 (j) The commissioner must deposit the revenues, including interest and penalties minus
245.11 any refunds, derived from the sale of items regulated under section 624.20, subdivision 1,
245.12 that may be sold to persons 18 years old or older and that are not prohibited from use by
245.13 the general public under section 624.21, in the state treasury and credit:

245.14 (1) 25 percent to the volunteer fire assistance grant account established under section
245.15 88.068;

245.16 (2) 25 percent to the fire safety account established under section 2971.06, subdivision
245.17 3; and

245.18 (3) the remainder to the general fund.

245.19 For purposes of this paragraph, the percentage of total sales and use tax revenue derived
245.20 from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be
245.21 sold to persons 18 years old or older and are not prohibited from use by the general public
245.22 under section 624.21, is a set percentage of the total sales and use tax revenues collected in
245.23 the state, with the percentage determined under Laws 2017, First Special Session chapter
245.24 1, article 3, section 39.

245.25 (k) The revenues deposited under paragraphs (a) to (j) do not include the revenues,
245.26 including interest and penalties, generated by the sales tax imposed under section 297A.62,
245.27 subdivision 1a, which must be deposited as provided under the Minnesota Constitution,
245.28 article XI, section 15.

245.29 Sec. 115. **HOUSTON OHV TRAIL; REPORT.**

245.30 By January 15, 2024, the commissioner of natural resources must submit a report to the
245.31 chairs and ranking minority members of the legislative committees and divisions with
245.32 jurisdiction over environment and natural resources providing a brief history of the efforts
246.1 to establish an off-highway vehicle trail in Houston County, the current status, and next
246.2 steps.

246.3 Sec. 116. **STATE PARK LICENSE PLATE DESIGN CONTEST.**

246.4 The commissioner of natural resources must hold a license plate design contest to design
246.5 a new state park license plate available under Minnesota Statutes, section 168.1295,
246.6 subdivision 1.

246.7 Sec. 117. **UPPER SIOUX AGENCY STATE PARK; LAND TRANSFER.**

246.8 (a) The commissioner of natural resources must convey for no consideration all
246.9 state-owned land within the boundaries of Upper Sioux Agency State Park to the Upper
246.10 Sioux Community.

128.31 ~~(j)~~ (l) The commissioner must deposit the revenues, including interest and penalties
128.32 minus any refunds, derived from the sale of items regulated under section 624.20, subdivision
128.33 1, that may be sold to persons 18 years old or older and that are not prohibited from use by
128.34 the general public under section 624.21, in the state treasury and credit:

129.1 (1) 25 percent to the volunteer fire assistance grant account established under section
129.2 88.068;

129.3 (2) 25 percent to the fire safety account established under section 2971.06, subdivision
129.4 3; and

129.5 (3) the remainder to the general fund.

129.6 For purposes of this paragraph, the percentage of total sales and use tax revenue derived
129.7 from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be
129.8 sold to persons 18 years old or older and are not prohibited from use by the general public
129.9 under section 624.21, is a set percentage of the total sales and use tax revenues collected in
129.10 the state, with the percentage determined under Laws 2017, First Special Session chapter
129.11 1, article 3, section 39.

129.12 ~~(k)~~ (m) The revenues deposited under paragraphs (a) to ~~(j)~~ (l) do not include the revenues,
129.13 including interest and penalties, generated by the sales tax imposed under section 297A.62,
129.14 subdivision 1a, which must be deposited as provided under the Minnesota Constitution,
129.15 article XI, section 15.

129.16 **EFFECTIVE DATE.** This section is effective July 1, 2023.

137.5 Sec. 75. **UPPER SIOUX AGENCY STATE PARK; LAND TRANSFER.**

137.6 (a) The commissioner of natural resources must convey for no consideration all
137.7 state-owned land within the boundaries of Upper Sioux Agency State Park to the Upper
137.8 Sioux Community. By September 15, 2023, the commissioner must identify all state-owned
137.9 land within Upper Sioux Agency State Park and any funding restrictions or other legal

246.11 (b) Upon approval by the Minnesota Historical Society's Executive Council, the
246.12 Minnesota Historical Society may convey for no consideration state-owned land and real
246.13 property in the Upper Sioux Agency Historic Site, as defined in Minnesota Statutes, section
246.14 138.662, subdivision 33, to the Upper Sioux Community. In cooperation with the
246.15 commissioner of natural resources, the Minnesota Historical Society must identify any
246.16 funding restrictions or other legal barriers to conveying the land.

246.17 (c) By January 15, 2024, the commissioner, in cooperation with the Minnesota Historical
246.18 Society, must submit a report to the chairs and ranking minority members of the legislative
246.19 committees with jurisdiction over environment and natural resources that identifies all
246.20 barriers to conveying land within Upper Sioux Agency State Park and recommendations
246.21 for addressing those barriers, including any legislation needed to eliminate those barriers.

246.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

246.23 Sec. 118. **REQUIRED RULEMAKING.**

246.24 Subdivision 1. **Snowmobile registration.** (a) The commissioner of natural resources
246.25 must amend Minnesota Rules as follows:

246.26 (1) part 6100.5000, subpart 1, by striking the last sentence and inserting "The registration
246.27 number remains the same if renewed by July 1 following the expiration date."; and

246.28 (2) part 6100.5700, subpart 1, item C, by striking the reference to registration numbers.

246.29 (b) The commissioner may use the good-cause exemption under Minnesota Statutes,
246.30 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
247.1 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
247.2 14.388.

247.3 Subd. 2. **Walk-in access program.** The commissioner of natural resources must amend
247.4 Minnesota Rules, part 6230.0250, subpart 10, item A, subitem (2), to replace the word
247.5 "hunter" with "person." The commissioner may use the good cause exempt rulemaking
247.6 procedure under Minnesota Statutes, section 14.388, subdivision 1, clause (3), and Minnesota
247.7 Statutes, section 14.386, does not apply.

247.8 Sec. 119. **REGISTRATION DECAL FORMAT TRANSITION.**

247.9 Separately displaying registration numbers is not required when a larger-format
247.10 registration decal as provided under Minnesota Statutes, section 84.82, subdivision 2, is
247.11 displayed according to Minnesota Statutes, section 84.82, subdivision 3b. Snowmobiles
247.12 displaying valid but older, smaller-format registration decals must display the separate

137.10 barriers to conveying the land. Lands without restrictions or barriers to being conveyed
137.11 must be conveyed to the Upper Sioux Community by December 1, 2023.

137.12 (b) By December 15, 2023, the commissioner must submit a report to the chairs and
137.13 ranking minority members of the legislative committees with jurisdiction over environment
137.14 and natural resources that identifies all barriers to conveying land within Upper Sioux
137.15 Agency State Park and recommendations for addressing those barriers, including any
137.16 legislation needed to eliminate those barriers.

137.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

S2904-2

34.8 Sec. 64. **REGISTRATION DECAL FORMAT TRANSITION.**

34.9 Separately displaying registration numbers is not required when a larger-format
34.10 registration decal as provided under Minnesota Statutes, section 84.82, subdivision 2, is
34.11 displayed according to Minnesota Statutes, section 84.82, subdivision 3b. Snowmobiles
34.12 displaying valid but older, smaller-format registration decals must display the separate

247.13 registration numbers. Persons may obtain duplicate registration decals in the new, larger
247.14 format, when available, without being required to display the separate registration numbers.

247.15 Sec. 120. **REPORT ON OPTIONS FOR FUNDING ADDITIONAL LAW**
247.16 **ENFORCEMENT ON ICE OF STATE WATERS.**

247.17 By January 1, 2024, the commissioner of natural resources must report to the chairs and
247.18 ranking minority members of the legislative committees and divisions with jurisdiction over
247.19 environment and natural resources on options for funding additional enforcement of state
247.20 laws on the ice of state waters. The commissioner must work with the Minnesota Sheriffs'
247.21 Association and other stakeholders in generating the report, which must include options
247.22 and recommendations related to potential funding sources, funding levels, and allocation
247.23 of funding between the various enforcement agencies.

247.24 Sec. 121. **ENFORCEMENT OFFICER BARGAINING UNITS; REPORT.**

247.25 By September 1, 2023, the commissioner of natural resources must submit a report to
247.26 the chairs and ranking minority members of the legislative committees and divisions with
247.27 jurisdiction over environment and natural resources that provides a status update on the
247.28 collective bargaining agreement for law enforcement supervisors in response to Laws 2022,
247.29 chapter 80, section 3.

34.13 registration numbers. Persons may obtain duplicate registration decals in the new, larger
34.14 format, when available, without being required to display the separate registration numbers.

32.1 Sec. 60. Minnesota Statutes 2022, section 179A.10, is amended by adding a subdivision
32.2 to read:

32.3 Subd. 5. **Law enforcement supervisors unit.** "Unit" shall include state patrol majors,
32.4 state patrol captains, state patrol lieutenants, nr district supervisors, nr program managers
32.5 2, nr program managers 3, Bureau of Criminal Apprehension special agent in charge, Bureau
32.6 of Criminal Apprehension assistant special agent in charge, supervisory special agent for
32.7 the Commerce Fraud Bureau, special agent in charge and assistant special agent in charge
32.8 for the Alcohol and Gaming Enforcement Division, corrections investigation assistant
32.9 director, correction investigation supervisor for the Department of Corrections, and other
32.10 licensed peace officer positions currently in the general supervisory employee's unit or
32.11 Middle Management Association.

32.12 Sec. 61. Laws 2022, chapter 80, section 3, is amended to read:

32.13 Sec. 3. **LAW ENFORCEMENT SUPERVISORS' TRANSITION.**

32.14 (a) Until a negotiated collective bargaining agreement with an exclusive representative
32.15 of the law enforcement supervisors unit is approved under Minnesota Statutes, section 3.855:

32.16 (1) state patrol supervisors majors, captains, lieutenants and nr enforcement supervisors,
32.17 and nr program managers 2 and 3 employed by the Department of Natural Resources shall
32.18 remain in the commissioner's plan, managerial plan, or other applicable plan;

32.19 (2) criminal apprehension investigative supervisors special agents in charge, assistant
32.20 special agents in charge, and other law enforcement supervisor peace officer positions
32.21 currently in the general supervisory employees unit shall remain in the general supervisory
32.22 employees unit represented by the Middle Management Association; and

248.1 Sec. 122. REPORT ON FERAL PIGS AND MINK.

248.2 By February 15, 2024, the commissioner of natural resources, in cooperation with the
248.3 Board of Animal Health and the commissioners of agriculture and health, must submit a
248.4 report to the chairs and ranking minority members of the legislative committees with
248.5 jurisdiction over agriculture and environment and natural resources that:

248.6 (1) identifies the responsibilities of the Board of Animal Health and the commissioners
248.7 of natural resources, health, and agriculture for managing feral pigs and mink;

248.8 (2) identifies any need to clarify or modify responsibilities for feral pig and mink
248.9 management; and

248.10 (3) includes policy recommendations for managing feral pigs and mink to further prevent
248.11 negative impacts on the environment and human health.

32.23 (3) employees in positions to be included in the law enforcement supervisors unit shall
32.24 be authorized to participate in certification elections for the law enforcement supervisors
32.25 unit and any negotiation and collective bargaining activities of the law enforcement
32.26 supervisors unit.

32.27 (b) In assigning positions included in the law enforcement supervisors unit, employees
32.28 in positions under paragraph (a), clause (2), shall have the right to remain in the general
32.29 supervisory employees unit represented by the Middle Management Association. If a group
32.30 of employees exercises this right, the appropriate unit for such employees shall be the general
32.31 supervisory employees unit represented by the Middle Management Association, and the
32.32 commissioner shall assign them to such unit.

33.1 (c) When negotiating a collective bargaining agreement for the law enforcement
33.2 supervisors unit, the parties shall negotiate a provision addressing potential conflicts of
33.3 interest between the job classifications related to disciplinary matters.

33.4 EFFECTIVE DATE. This section is effective the day following final enactment.

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134.22 Sec. 71. STATUTORY AND RULE REVISIONS TO PREVENT FISH KILLS IN
134.23 DRIFTLESS AREA.

134.24 By January 15, 2024, the commissioners of agriculture, health, and natural resources
134.25 and the commissioner of the Pollution Control Agency must make recommendations to the
134.26 legislature for statutes and rules that should be amended to prevent fish kills within the
134.27 boundaries of the Department of Natural Resources Paleozoic Plateau ecological section.

248.12 Sec. 123. TURTLE SELLER'S LICENSES; TRANSFER AND RENEWAL.

248.13 The commissioner of natural resources must not renew or transfer a turtle seller's license
248.14 after the effective date of this section.

248.15 EFFECTIVE DATE. This section is effective January 1, 2024.

248.16 Sec. 124. SWAN RESTITUTION VALUES; RULE AMENDMENTS.

248.17 (a) The commissioner of natural resources must amend Minnesota Rules, part 6133.0030,
248.18 to increase the restitution value of a tundra swan from \$200 to \$1,000 and the restitution
248.19 value of a trumpeter swan from \$1,000 to \$2,500.

248.20 (b) The commissioner of natural resources must amend Minnesota Rules, chapter 6133,
248.21 to double the restitution values for wild game when a person takes, harasses, or destroys
248.22 the wild game with malicious intent.

248.23 (c) The commissioner of natural resources may use the good cause exemption under
248.24 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this
248.25 section, and Minnesota Statutes, section 14.386, does not apply except as provided under
248.26 Minnesota Statutes, section 14.388.

248.27 Sec. 125. NATIVE FISH CONSERVATION; REPORTS.

248.28 (a) By August 1, 2023, the commissioner of natural resources must submit a written
248.29 update on the progress of identifying necessary protection and conservation measures for
248.30 native fish currently defined as rough fish under Minnesota Statutes, section 97A.015,
249.1 subdivision 43, including buffalo, sucker, sheepshead, bowfin, gar, goldeye, and bullhead
249.2 to the chairs and ranking minority members of the house of representatives and senate
249.3 committees and divisions with jurisdiction over environment and natural resources.

249.4 (b) By December 15, 2023, the commissioner of natural resources must submit a written
249.5 report with recommendations for statutory and rule changes to provide necessary protection
249.6 and conservation measures and research needs for native fish currently designated as rough
249.7 fish to the chairs and ranking minority members of the house of representatives and senate
249.8 committees and divisions with jurisdiction over environment and natural resources. The
249.9 report must include recommendations for amending Minnesota Statutes to separately classify
249.10 fish that are native to Minnesota and that are currently designated as rough fish and invasive
249.11 fish that are currently designated as rough fish. For the purposes of this paragraph, native
249.12 fish include but are not limited to bowfin (*Amia calva*), bigmouth buffalo (*Ictiobus*
249.13 *cyprinellus*), smallmouth buffalo (*Ictiobus bubalus*), burbot (*Lota lota*), longnose gar
249.14 (*Lepisosteus osseus*), shortnose gar (*Lepisosteus platostomus*), goldeye (*Hiodon alosoides*),
249.15 mooneye (*Hiodon tergisus*), and white sucker (*Catostomus commersonii*), and invasive fish
249.16 include but are not limited to bighead carp (*Hypophthalmichthys nobilis*), grass carp
249.17 (*Ctenopharyngodon idella*), and silver carp (*Hypophthalmichthys molitrix*).

137.1 Sec. 74. TURTLE SELLER'S LICENSES; TRANSFER AND RENEWAL.

137.2 The commissioner of natural resources must not renew or transfer a turtle seller's license
137.3 after the effective date of this section.

137.4 EFFECTIVE DATE. This section is effective January 1, 2024.

26.16 (q) \$268,000 the first year is from the heritage
26.17 enhancement account in the game and fish
26.18 fund for native fish conservation and
26.19 classification. By August 1, 2023, a written
26.20 update on the progress of identifying necessary
26.21 protection and conservation measures for
26.22 native fish currently defined as rough fish
26.23 under Minnesota Statutes, section 97A.015,
26.24 subdivision 43, including buffalo, sucker,
26.25 sheepshead, bowfin, gar, goldeye, and
26.26 bullhead, must be submitted to the chairs and
26.27 ranking minority members of the house of
26.28 representatives and senate committees and
26.29 divisions with jurisdiction over environment
26.30 and natural resources. By December 15, 2023,
26.31 a written report with recommendations for
26.32 statutory and rule changes to provide
26.33 necessary protection and conservation
26.34 measures and research needs for native fish
26.35 currently designated as rough fish must be
27.1 submitted to the chairs and ranking minority
27.2 members of the house of representatives and
27.3 senate committees and divisions with
27.4 jurisdiction over environment and natural

249.18 Sec. 126. **STATE TRAILS; REPORT.**

249.19 By January 15, 2024, the commissioner of natural resources must submit a report the
249.20 chairs and ranking minority members of the house of representatives and senate committees
249.21 and divisions with jurisdiction over environment and natural resources on state-authorized
249.22 trails that:

249.23 (1) identifies state trails authorized under Minnesota Statutes;

249.24 (2) identifies state trails that have been built and what is left to build;

249.25 (3) includes recommendations for removing any authorized trails that cannot be built;

249.26 and

249.27 (4) estimates the miles left to complete the authorized trail system.

249.28 Sec. 127. **WATER-USE PERMITS; CITY OF LAKE ELMO.**

249.29 (a) Notwithstanding any other provision of law, the commissioner of natural resources
249.30 may:

249.31 (1) issue permits necessary for the city of Lake Elmo to construct and operate a new
249.32 municipal water supply well; and

27.5 resources. The report must include
27.6 recommendations for amending Minnesota
27.7 Statutes to separately classify fish that are
27.8 native to Minnesota and that are currently
27.9 designated as rough fish and invasive fish that
27.10 are currently designated as rough fish. For the
27.11 purposes of this paragraph, native fish include
27.12 but are not limited to bowfin (*Amia calva*),
27.13 bigmouth buffalo (*Ictiobus cyprinellus*),
27.14 smallmouth buffalo (*Ictiobus bubalus*), burbot
27.15 (*Lota lota*), longnose gar (*Lepisosteus osseus*),
27.16 shortnose gar (*Lepisosteus platostomus*),
27.17 goldeye (*Hiodon alosoides*), mooneye (*Hiodon*
27.18 *tergisus*), white sucker (*Catostomus*
27.19 *commersonii*), and invasive fish include but
27.20 are not limited to bighead carp
27.21 (*Hypophthalmichthys nobilis*), grass carp
27.22 (*Ctenopharyngodon idella*), and silver carp
27.23 (*Hypophthalmichthys molitrix*). This is a
27.24 onetime appropriation.

S2904-2

33.5 Sec. 62. **WATER-USE PERMITS; CITY OF LAKE ELMO.**

33.6 (a) Notwithstanding any other provision of law, the commissioner of natural resources
33.7 may:

33.8 (1) issue permits necessary for the city of Lake Elmo to construct and operate a new
33.9 municipal water supply well; and

250.1 (2) amend existing water-use permits issued to the city of Lake Elmo to increase the
250.2 authorized volume of water that may be appropriated under the permits to a level consistent
250.3 with the amount anticipated to be needed each year according to a water supply plan approved
250.4 by the commissioner under Minnesota Statutes, section 103G.291.

250.5 (b) Notwithstanding paragraph (a), all new and amended water-use permits issued by
250.6 the commissioner to the city of Lake Elmo must contain the same water-use conservation
250.7 and planning measures required by law for municipal wells located wholly or partially
250.8 within the five-mile radius of White Bear Lake.

250.9 (c) This section expires June 30, 2027.

250.10 Sec. 128. **WHITE BEAR LAKE AREA WATER-USE PERMIT MODIFICATION**
250.11 **MORATORIUM.**

250.12 (a) Except as provided under paragraph (b), the commissioner of natural resources may
250.13 not reduce the total maximum amount of groundwater use permitted under a White Bear
250.14 Lake area water-use permit issued or amended before January 1, 2023.

250.15 (b) Notwithstanding paragraph (a), the commissioner of natural resources may reduce
250.16 the authorized amount of groundwater use permitted or impose additional restrictions or
250.17 conditions if necessary to address emergency preparedness or other public health and safety
250.18 issues as determined by the commissioner.

250.19 (c) Except as provided under paragraph (b), this section does not authorize the
250.20 commissioner to reduce or eliminate water-use conservation or planning conditions imposed
250.21 on municipal water appropriation permits for wells located wholly or partially within a
250.22 five-mile radius of White Bear Lake.

250.23 (d) For the purposes of this section, "White Bear Lake area water-use permit" means a
250.24 water-use permit authorizing the use of groundwater from one or more municipal wells
250.25 located wholly or partially within a five-mile radius of White Bear Lake.

250.26 (e) This section expires June 30, 2027.

33.10 (2) amend existing water-use permits issued to the city of Lake Elmo to increase the
33.11 authorized volume of water that may be appropriated under the permits to a level consistent
33.12 with the amount anticipated to be needed each year according to a water supply plan approved
33.13 by the commissioner under Minnesota Statutes, section 103G.291.

33.14 (b) Notwithstanding paragraph (a), all new and amended water-use permits issued by
33.15 the commissioner to the city of Lake Elmo must contain the same water-use conservation
33.16 and planning measures required by law for municipal wells located wholly or partially
33.17 within the five-mile radius of White Bear Lake.

33.18 (c) This section expires June 30, 2027.

33.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

33.20 Sec. 63. **WHITE BEAR LAKE AREA WATER-USE PERMIT MODIFICATION**
33.21 **MORATORIUM.**

33.22 (a) Except as provided under paragraph (b), the commissioner of natural resources may
33.23 not reduce the total maximum amount of groundwater use permitted under a White Bear
33.24 Lake area water-use permit issued or amended before January 1, 2023.

33.25 (b) Notwithstanding paragraph (a), the commissioner of natural resources may reduce
33.26 the authorized amount of groundwater use permitted or impose additional restrictions or
33.27 conditions if necessary to address emergency preparedness or other public health and safety
33.28 issues as determined by the commissioner.

33.29 (c) Except as provided under paragraph (b), this section does not authorize the
33.30 commissioner to reduce or eliminate water-use conservation or planning conditions imposed
34.1 on municipal water appropriation permits for wells located wholly or partially within a
34.2 five-mile radius of White Bear Lake.

34.3 (d) For the purposes of this section, "White Bear Lake area water-use permit" means a
34.4 water-use permit authorizing the use of groundwater from one or more municipal wells
34.5 located wholly or partially within a five-mile radius of White Bear Lake.

34.6 (e) This section expires June 30, 2027.

34.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

UEH2310-2

137.18 Sec. 76. **WHITE BEAR LAKE AREA WATER-USE STAKEHOLDER GROUP.**

137.19 The commissioner of natural resources must convene a group of stakeholders to advise
137.20 the commissioner and the legislature on options for ensuring communities in the White Bear
137.21 Lake area have access to sufficient safe drinking water to allow for municipal growth while
137.22 simultaneously ensuring the sustainability of surface water and groundwater sources to
137.23 supply the needs of future generations. By March 1, 2024, the commissioner must report
137.24 any recommendations of the stakeholder group to the chairs and ranking minority members

250.27 Sec. 129. **REVISOR INSTRUCTION.**

250.28 The revisor of statutes must renumber the subdivisions of Minnesota Statutes, section
250.29 103G.005, listed in column A to the references listed in column B. The revisor must make
250.30 necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent
250.31 with the renumbering:

251.1	<u>Column A</u>	<u>Column B</u>
251.2	<u>subdivision 9b</u>	<u>subdivision 9d</u>
251.3	<u>subdivision 13a</u>	<u>subdivision 13c</u>
251.4	<u>subdivision 15h</u>	<u>subdivision 15j</u>

251.5 Sec. 130. **REPEALER.**

251.6 (a) Minnesota Statutes 2022, sections 84.033, subdivision 3; 84.944, subdivision 3; and
251.7 97A.145, subdivision 2, are repealed.

251.8 (b) Minnesota Rules, parts 6100.5000, subparts 3, 4, and 5; 6100.5700, subpart 4; and
251.9 6115.1220, subpart 8, are repealed.

251.10 (c) Minnesota Statutes 2022, sections 86B.101; 86B.305; and 86B.313, subdivisions 2
251.11 and 3, are repealed.

251.12 (d) Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.

251.13 (e) Minnesota Statutes 2022, section 97C.605, subdivisions 2, 2a, 2b, and 5, are repealed.

251.14 **EFFECTIVE DATE.** Paragraph (c) is effective July 1, 2025, and paragraphs (d) and
251.15 (e) are effective January 1, 2024.

137.25 of the house of representatives and senate committees and divisions with jurisdiction over
137.26 environment and natural resources.

S2904-2

35.1 Sec. 67. **ANALYSIS OF CROSSBOW HUNTING'S EFFECT ON DEER**
35.2 **POPULATION.**

35.3 By October 1, 2025, the commissioner of natural resources must submit to the chairs
35.4 and ranking minority members of the house of representatives and senate committees and
35.5 divisions with jurisdiction over the environment and natural resources an analysis of the
35.6 effect that allowing persons who are under age 60 to hunt with a crossbow during regular
35.7 archery seasons has had on the deer population in this state.

35.8 Sec. 68. **REVISOR INSTRUCTION.**

35.9 The revisor of statutes must renumber the subdivisions of Minnesota Statutes, section
35.10 103G.005, listed in column A to the references listed in column B. The revisor must make
35.11 necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent
35.12 with the renumbering:

35.13	<u>Column A</u>	<u>Column B</u>
35.14	<u>subdivision 9b</u>	<u>subdivision 9d</u>
35.15	<u>subdivision 13a</u>	<u>subdivision 13c</u>
35.16	<u>subdivision 15h</u>	<u>subdivision 15j</u>

35.17 Sec. 69. **REPEALER.**

35.20 (b) Minnesota Rules, parts 6100.5000, subparts 3, 4, and 5; and 6100.5700, subpart 4,
35.21 are repealed.

UEH2310-2

138.7 (c) Minnesota Statutes 2022, sections 35.155, subdivision 14; 86B.101; 86B.305; and
138.8 86B.313, subdivisions 2 and 3, are repealed.

138.10 (e) Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.

138.9 (d) Minnesota Statutes 2022, section 97C.605, subdivisions 2, 2a, 2b, and 5, are repealed.

138.11 **EFFECTIVE DATE.** Paragraph (c) is effective July 1, 2025. Paragraphs (d) and (e)
138.12 are effective January 1, 2024.

251.16

ARTICLE 5

251.17

WATER AND SOIL RESOURCES

251.18 Section 1. Minnesota Statutes 2022, section 103B.101, subdivision 2, is amended to read:

251.19 Subd. 2. **Voting members.** (a) The members are:

251.20 (1) three county commissioners;

251.21 (2) three soil and water conservation district supervisors;

251.22 (3) three watershed district or watershed management organization representatives;

251.23 (4) three citizens who are not employed by, or the appointed or elected officials of, a

251.24 state governmental office, board, or agency;

251.25 (5) one township officer;

251.26 (6) two elected city officials, one of whom must be from a city located in the metropolitan

251.27 area, as defined under section 473.121, subdivision 2;

251.28 (7) the commissioner of agriculture;

251.29 (8) the commissioner of health;

252.1 (9) the commissioner of natural resources;

252.2 (10) the commissioner of the Pollution Control Agency; and

252.3 (11) the director of the University of Minnesota Extension Service.

252.4 (b) Members in paragraph (a), clauses (1) to (6), must be distributed across the state

252.5 with at least four members but not more than six members from the metropolitan area, as

252.6 defined by section 473.121, subdivision 2.

252.7 (c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor. In making

252.8 the appointments, the governor may consider persons recommended by the Association of

252.9 Minnesota Counties, the Minnesota Association of Townships, the League of Minnesota

252.10 Cities, the Minnesota Association of Soil and Water Conservation Districts, and the

252.11 Minnesota Association of Watershed Districts. The list submitted by an association must

252.12 contain at least three nominees for each position to be filled.

252.13 (d) The membership terms, compensation, removal of members and filling of vacancies

252.14 on the board for members in paragraph (a), clauses (1) to (6), are as provided in section

252.15 15.0575, except that a member may be compensated at the rate of up to \$125 a day.

252.16 Sec. 2. Minnesota Statutes 2022, section 103B.101, subdivision 9, is amended to read:

252.17 Subd. 9. **Powers and duties.** (a) In addition to the powers and duties prescribed

252.18 elsewhere, the board shall:

82.21 Sec. 30. Minnesota Statutes 2022, section 103B.101, subdivision 9, is amended to read:

82.22 Subd. 9. **Powers and duties.** (a) In addition to the powers and duties prescribed

82.23 elsewhere, the board shall:

252.19 (1) coordinate the water and soil resources planning and implementation activities of
252.20 counties, soil and water conservation districts, watershed districts, watershed management
252.21 organizations, and any other local units of government through its various authorities for
252.22 approval of local plans, administration of state grants, contracts and easements, and by other
252.23 means as may be appropriate;

252.24 (2) facilitate communication and coordination among state agencies in cooperation with
252.25 the Environmental Quality Board, and between state and local units of government, in order
252.26 to make the expertise and resources of state agencies involved in water and soil resources
252.27 management available to the local units of government to the greatest extent possible;

252.28 (3) coordinate state and local interests with respect to the study in southwestern Minnesota
252.29 under United States Code, title 16, section 1009;

252.30 (4) develop information and education programs designed to increase awareness of local
252.31 water and soil resources problems and awareness of opportunities for local government
252.32 involvement in preventing or solving them;

253.1 (5) provide a forum for the discussion of local issues and opportunities relating to water
253.2 and soil resources management;

253.3 (6) adopt an annual budget and work program that integrate the various functions and
253.4 responsibilities assigned to it by law; and

253.5 (7) report to the governor and the legislature by October 15 of each even-numbered year
253.6 with an assessment of board programs and recommendations for any program changes and
253.7 board membership changes necessary to improve state and local efforts in water and soil
253.8 resources management.

253.9 (b) The board may accept grants, gifts, donations, or contributions in money, services,
253.10 materials, or otherwise from the United States, a state agency, or other source to achieve
253.11 an authorized or delegated purpose. The board may enter into a contract or agreement
253.12 necessary or appropriate to accomplish the transfer. The board may conduct or participate
253.13 in local, state, or federal programs or projects that have as one purpose or effect the
253.14 preservation or enhancement of water and soil resources and may enter into and administer
253.15 agreements with local governments or landowners or their designated agents as part of those
253.16 programs or projects. The board may receive and expend money to acquire conservation
253.17 easements, as defined in chapter 84C, on behalf of the state and federal government consistent
253.18 with the Camp Ripley's Army Compatible Use Buffer Project, Sentinel Landscape program,
253.19 or related conservation programs. The board may enter into agreements, including grant
253.20 agreements, with Tribal nations, federal agencies, higher education institutions, local
253.21 governments, and private sector organizations to carry out programs and other responsibilities
253.22 prescribed or allowed by statute.

253.23 (c) Any money received is hereby deposited in an account in a fund other than the general
253.24 fund and appropriated and dedicated for the purpose for which it is granted.

82.24 (1) coordinate the water and soil resources planning and implementation activities of
82.25 counties, soil and water conservation districts, watershed districts, watershed management
82.26 organizations, and any other local units of government through its various authorities for
82.27 approval of local plans, administration of state grants, contracts and easements, and by other
82.28 means as may be appropriate;

82.29 (2) facilitate communication and coordination among state agencies in cooperation with
82.30 the Environmental Quality Board, and between state and local units of government, in order
82.31 to make the expertise and resources of state agencies involved in water and soil resources
82.32 management available to the local units of government to the greatest extent possible;

83.1 (3) coordinate state and local interests with respect to the study in southwestern Minnesota
83.2 under United States Code, title 16, section 1009;

83.3 (4) develop information and education programs designed to increase awareness of local
83.4 water and soil resources problems and awareness of opportunities for local government
83.5 involvement in preventing or solving them;

83.6 (5) provide a forum for the discussion of local issues and opportunities relating to water
83.7 and soil resources management;

83.8 (6) adopt an annual budget and work program that integrate the various functions and
83.9 responsibilities assigned to it by law; and

83.10 (7) report assessments to the governor and the legislature by October 15 of each
83.11 even-numbered year with an assessment of board programs and recommendations for any
83.12 program changes and board membership changes necessary to improve state and local efforts
83.13 in water and soil resources management.

83.14 (b) The board may accept grants, gifts, donations, or contributions in money, services,
83.15 materials, or otherwise from the United States, a state agency, or other source to achieve
83.16 an authorized or delegated purpose. The board may enter into a contract or agreement
83.17 necessary or appropriate to accomplish the transfer. The board may conduct or participate
83.18 in local, state, or federal programs or projects that have as one purpose or effect the
83.19 preservation or enhancement of water and soil resources and may enter into and administer
83.20 agreements with local governments or landowners or their designated agents as part of those
83.21 programs or projects. The board may receive and expend money to acquire conservation
83.22 easements, as defined in chapter 84C, on behalf of the state and federal government consistent
83.23 with the Camp Ripley's Army Compatible Use Buffer Project, Sentinel Landscape program,
83.24 or related conservation programs. The board may enter into agreements, including grant
83.25 agreements, with Tribal nations, federal agencies, higher education institutions, local
83.26 governments, and private sector organizations to carry out programs and other responsibilities
83.27 prescribed or allowed by statute.

83.28 (c) Any money received is hereby deposited in an account in a fund other than the general
83.29 fund and appropriated and dedicated for the purpose for which it is granted.

253.25 Sec. 3. Minnesota Statutes 2022, section 103B.101, subdivision 16, is amended to read:

253.26 Subd. 16. ~~Water quality Conservation practices; standardized specifications. (a)~~
253.27 ~~The board of Water and Soil Resources shall~~ must work with state and federal agencies,
253.28 ~~Tribal Nations, academic institutions, local governments, practitioners, and stakeholders to~~
253.29 ~~foster mutual understanding and provide recommendations for standardized specifications~~
253.30 ~~for water quality and soil conservation protection and improvement practices and, projects,~~
253.31 ~~and systems for:~~

- 253.32 (1) erosion or sedimentation control;
253.33 (2) improvements to water quality or water quantity;
254.1 (3) habitat restoration and enhancement;
254.2 (4) energy conservation; and
254.3 (5) climate adaptation, resiliency, or mitigation.

254.4 (b) The board may convene working groups or work teams to develop information,
254.5 education, and recommendations.

254.6 Sec. 4. Minnesota Statutes 2022, section 103B.101, is amended by adding a subdivision
254.7 to read:

254.8 Subd. 18. Guidelines for establishing and enhancing native vegetation. (a) The board
254.9 must work with state and federal agencies, Tribal Nations, academic institutions, local
254.10 governments, practitioners, and stakeholders to foster mutual understanding and to provide
254.11 recommendations for standardized specifications to establish and enhance native vegetation
254.12 to provide benefits for:

- 254.13 (1) water quality;
254.14 (2) soil conservation;
254.15 (3) habitat enhancement;
254.16 (4) energy conservation; and
254.17 (5) climate adaptation, resiliency, or mitigation.

254.18 (b) The board may convene working groups or work teams to develop information,
254.19 education, and recommendations.

254.20 Sec. 5. Minnesota Statutes 2022, section 103B.103, is amended to read:

254.21 **103B.103 EASEMENT STEWARDSHIP ACCOUNTS.**

254.22 Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation
254.23 easement stewardship account and the mitigation easement stewardship account are created
254.24 in the special revenue fund. The accounts consist of money credited to the accounts and

83.30 Sec. 31. Minnesota Statutes 2022, section 103B.101, subdivision 16, is amended to read:

83.31 Subd. 16. ~~Water quality Conservation practices; standardized specifications. (a)~~
83.32 ~~The board of Water and Soil Resources shall~~ must work with state and federal agencies,
83.33 ~~Tribal Nations, academic institutions, local governments, practitioners, and stakeholders to~~
84.1 ~~foster mutual understanding and provide recommendations for standardized specifications~~
84.2 ~~for water quality and soil conservation protection and improvement practices and, projects,~~
84.3 ~~and systems for:~~

- 84.4 (1) erosion or sedimentation control;
84.5 (2) improvements to water quality or water quantity;
84.6 (3) habitat restoration and enhancement;
84.7 (4) energy conservation; and
84.8 (5) climate adaptation, resiliency, or mitigation.

84.9 (b) The board may convene working groups or work teams to develop information,
84.10 education, and recommendations.

84.11 Sec. 32. Minnesota Statutes 2022, section 103B.101, is amended by adding a subdivision
84.12 to read:

84.13 Subd. 18. Guidelines for establishing and enhancing native vegetation. (a) The board
84.14 must work with state and federal agencies, Tribal Nations, academic institutions, local
84.15 governments, practitioners, and stakeholders to foster mutual understanding and to provide
84.16 recommendations for standardized specifications to establish and enhance native vegetation
84.17 to provide benefits for:

- 84.18 (1) water quality;
84.19 (2) soil conservation;
84.20 (3) habitat enhancement;
84.21 (4) energy conservation; and
84.22 (5) climate adaptation, resiliency, or mitigation.

84.23 (b) The board may convene working groups or work teams to develop information,
84.24 education, and recommendations.

84.25 Sec. 33. Minnesota Statutes 2022, section 103B.103, is amended to read:

84.26 **103B.103 EASEMENT STEWARDSHIP ACCOUNTS.**

84.27 Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation
84.28 easement stewardship account and the mitigation easement stewardship account are created
84.29 in the special revenue fund. The accounts consist of money credited to the accounts and

254.25 interest and other earnings on money in the accounts. The State Board of Investment must
254.26 manage the accounts to maximize long-term gain.

254.27 (b) Revenue from contributions and money appropriated for any purposes of the account
254.28 as described in subdivision 2 must be deposited in the water and soil conservation easement
254.29 stewardship account. Revenue from contributions, ~~wetland banking~~ mitigation fees designated
254.30 for stewardship purposes by the board, easement stewardship payments authorized under
255.1 subdivision 3, and money appropriated for any purposes of the account as described in
255.2 subdivision 2 must be deposited in the mitigation easement stewardship account.

255.3 Subd. 2. **Appropriation; purposes of accounts.** Five percent of the balance on July 1
255.4 each year in the water and soil conservation easement stewardship account and five percent
255.5 of the balance on July 1 each year in the mitigation easement stewardship account are
255.6 annually appropriated to the board and may be spent ~~only~~ to cover the costs of managing
255.7 easements held by the board, including costs associated with:

255.8 (1) repairing or replacing structures;
255.9 (2) monitoring;
255.10 (3) landowner contacts;
255.11 (4) records storage and management;
255.12 (5) processing landowner notices;
255.13 (6) requests for approval or amendments;
255.14 (7) enforcement; and
255.15 (8) legal services associated with easement management activities.

255.16 Subd. 3. **Financial contributions.** The board shall seek a financial contribution to the
255.17 water and soil conservation easement stewardship account for each conservation easement
255.18 acquired by the board. The board shall seek a financial contribution or assess an easement
255.19 stewardship payment to the mitigation easement stewardship account for each wetland
255.20 ~~banking~~ mitigation easement acquired by the board. Unless otherwise provided by law, the
255.21 board shall determine the amount of the contribution or payment, which must be an amount
255.22 calculated to earn sufficient money to meet the costs of managing the easement at a level
255.23 that neither significantly overrecovers nor underrecovers the costs. In determining the
255.24 amount of the financial contribution, the board shall consider:

255.25 (1) the estimated annual staff hours needed to manage the conservation easement, taking
255.26 into consideration factors such as easement type, size, location, and complexity;

255.27 (2) the average hourly wages for the class or classes of state and local employees expected
255.28 to manage the easement;

255.29 (3) the estimated annual travel expenses to manage the easement;

85.1 interest and other earnings on money in the accounts. The State Board of Investment must
85.2 manage the accounts to maximize long-term gain.

85.3 (b) Revenue from contributions and money appropriated for any purposes of the account
85.4 as described in subdivision 2 must be deposited in the water and soil conservation easement
85.5 stewardship account. Revenue from contributions, ~~wetland banking~~ mitigation fees designated
85.6 for stewardship purposes by the board, easement stewardship payments authorized under
85.7 subdivision 3, and money appropriated for any purposes of the account as described in
85.8 subdivision 2 must be deposited in the mitigation easement stewardship account.

85.9 Subd. 2. **Appropriation; purposes of accounts.** Five percent of the balance on July 1
85.10 each year in the water and soil conservation easement stewardship account and five percent
85.11 of the balance on July 1 each year in the mitigation easement stewardship account are
85.12 annually appropriated to the board and may be spent ~~only~~ to cover the costs of managing
85.13 easements held by the board, including costs associated with:

85.14 (1) repairing or replacing structures;
85.15 (2) monitoring;
85.16 (3) landowner contacts;
85.17 (4) records storage and management;
85.18 (5) processing landowner notices;
85.19 (6) requests for approval or amendments;
85.20 (7) enforcement; and
85.21 (8) legal services associated with easement management activities.

85.22 Subd. 3. **Financial contributions.** The board shall seek a financial contribution to the
85.23 water and soil conservation easement stewardship account for each conservation easement
85.24 acquired by the board. The board shall seek a financial contribution or assess an easement
85.25 stewardship payment to the mitigation easement stewardship account for each wetland
85.26 ~~banking~~ mitigation easement acquired by the board. Unless otherwise provided by law, the
85.27 board shall determine the amount of the contribution or payment, which must be an amount
85.28 calculated to earn sufficient money to meet the costs of managing the easement at a level
85.29 that neither significantly overrecovers nor underrecovers the costs. In determining the
85.30 amount of the financial contribution, the board shall consider:

85.31 (1) the estimated annual staff hours needed to manage the conservation easement, taking
85.32 into consideration factors such as easement type, size, location, and complexity;

86.1 (2) the average hourly wages for the class or classes of state and local employees expected
86.2 to manage the easement;

86.3 (3) the estimated annual travel expenses to manage the easement;

255.30 (4) the estimated annual miscellaneous costs to manage the easement, including supplies
255.31 and equipment, information technology support, and aerial flyovers;

256.1 (5) the estimated annualized costs of legal services, including the cost to enforce the
256.2 easement in the event of a violation;

256.3 (6) the estimated annualized costs for repairing or replacing water control structures;
256.4 and

256.5 ~~(6)~~ (7) the expected rate of return on investments in the account.

256.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

256.7 Sec. 6. **[103B.104] LAWNS TO LEGUMES PROGRAM.**

256.8 (a) The Board of Water and Soil Resources may provide financial and technical assistance
256.9 to plant residential landscapes and community spaces with native vegetation and
256.10 pollinator-friendly forbs and legumes to protect a diversity of pollinators with declining
256.11 populations, providing additional benefits for water management, carbon sequestration, and
256.12 landscape resiliency.

256.13 (b) The board must establish criteria for grants or payments awarded under this section.
256.14 Grants or payments awarded under this section may give priority consideration for proposals
256.15 in areas identified by the United States Fish and Wildlife Service as areas where there is a
256.16 high potential for rusty patched bumble bees and other priority species to be present.

256.17 (c) The board may collaborate with and enter into agreements with federal, state, and
256.18 local agencies; Tribal Nations; and other nonprofit organizations and contractors to implement
256.19 and promote the program.

256.20 Sec. 7. **[103B.105] HABITAT-FRIENDLY UTILITIES PROGRAM.**

256.21 (a) The Board of Water and Soil Resources may provide financial and technical assistance
256.22 to promote the successful establishment of native vegetation as part of utility projects,
256.23 including solar and wind projects, pipelines, and electrical transmission corridors, to:

256.24 (1) ensure the integrity and resiliency of Minnesota landscapes; and

256.25 (2) protect habitat and water resources.

256.26 (b) The board must establish criteria for grants or payments awarded under this section.
256.27 Grants or payments awarded under this section may prioritize proposals in areas identified
256.28 by state and federal agencies and conservation partners for protecting high-priority natural
256.29 resources and wildlife species.

86.4 (4) the estimated annual miscellaneous costs to manage the easement, including supplies
86.5 and equipment, information technology support, and aerial flyovers;

86.6 (5) the estimated annualized costs of legal services, including the cost to enforce the
86.7 easement in the event of a violation;

86.8 (6) the estimated annualized costs for repairing or replacing water control structures;
86.9 and

86.10 ~~(6)~~ (7) the expected rate of return on investments in the account.

86.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

86.12 Sec. 34. **[103B.104] LAWNS TO LEGUMES PROGRAM.**

86.13 (a) The Board of Water and Soil Resources may provide financial and technical assistance
86.14 to plant residential landscapes and community spaces with native vegetation and
86.15 pollinator-friendly forbs and legumes to:

86.16 (1) protect a diversity of pollinators with declining populations; and

86.17 (2) provide additional benefits for water management, carbon sequestration, and landscape
86.18 and climate resiliency.

86.19 (b) The board must establish criteria for grants or payments awarded under this section.
86.20 Grants or payments awarded under this section may give priority consideration for proposals
86.21 in areas identified by the United States Fish and Wildlife Service as areas where there is a
86.22 high potential for rusty patched bumble bees and other priority species to be present.

86.23 (c) The board may collaborate with and enter into agreements with federal, state, and
86.24 local agencies; Tribal Nations; nonprofit organizations; and contractors to implement and
86.25 promote the program.

86.26 Sec. 35. **[103B.105] HABITAT-FRIENDLY UTILITIES PROGRAM.**

86.27 (a) The Board of Water and Soil Resources may provide financial and technical assistance
86.28 to promote the successful establishment of native vegetation as part of utility projects,
86.29 including solar and wind projects, pipelines, and electrical transmission corridors, to:

86.30 (1) ensure the integrity and resiliency of Minnesota landscapes; and

87.1 (2) protect habitat and water resources.

87.2 (b) The board must establish criteria for grants or payments awarded under this section.
87.3 Grants or payments awarded under this section may prioritize proposals in areas identified
87.4 by state and federal agencies and conservation partners for protecting high-priority natural
87.5 resources and wildlife species.

257.1 (c) The board may collaborate with and enter into agreements with federal, state, and
257.2 local agencies; Tribal Nations; utility companies; nonprofit organizations; and contractors
257.3 to implement and promote the program.

257.4 Sec. 8. **[103B.106] HABITAT ENHANCEMENT LANDSCAPE PROGRAM.**

257.5 (a) The Board of Water and Soil Resources may provide financial and technical assistance
257.6 to establish or enhance areas of diverse native vegetation to:

257.7 (1) support declining populations of bees, butterflies, dragonflies, birds, and other wildlife
257.8 species that are essential for ecosystems and food production across conservation lands,
257.9 open spaces, and natural areas; and

257.10 (2) provide additional benefits for water management, carbon sequestration, and landscape
257.11 and climate resiliency.

257.12 (b) The board must establish criteria for grants or payments awarded under this section.
257.13 Grants or payments awarded under this section may prioritize proposals in areas identified
257.14 by state and federal agencies and conservation partners as high priority for protecting
257.15 endangered or threatened pollinator and other species.

257.16 (c) The board may collaborate with and enter into agreements with federal, state, and
257.17 local agencies; Tribal Nations; nonprofit organizations; and contractors to implement and
257.18 promote the program.

257.19 Sec. 9. Minnesota Statutes 2022, section 103C.501, subdivision 1, is amended to read:

257.20 Subdivision 1. **Cost-share Program authorization.** The state board may allocate
257.21 available funds to districts ~~to share the cost of systems or~~ for practices, projects, and systems
257.22 for:

257.23 (1) erosion or sedimentation control or;

257.24 (2) improvements to water quality improvement that are designed to protect and improve
257.25 ~~soil and water resources; or water quantity;~~

257.26 (3) habitat enhancement;

257.27 (4) plant biodiversity;

257.28 (5) energy conservation; or

257.29 (6) climate adaptation, resiliency, or mitigation.

258.1 Sec. 10. Minnesota Statutes 2022, section 103C.501, subdivision 4, is amended to read:

258.2 Subd. 4. **Cost-sharing Use of funds.** ~~(a) The state board shall allocate cost-sharing funds~~
258.3 ~~to areas with high priority erosion, sedimentation, or water quality problems or water quantity~~

87.6 (c) The board may collaborate with and enter into agreements with federal, state, and
87.7 local agencies; Tribal Nations; utility companies; nonprofit organizations; and contractors
87.8 to implement and promote the program.

87.9 Sec. 36. **[103B.106] HABITAT ENHANCEMENT LANDSCAPE PROGRAM.**

87.10 (a) The Board of Water and Soil Resources may provide financial and technical assistance
87.11 to establish or enhance areas of diverse native vegetation to:

87.12 (1) support declining populations of bees, butterflies, dragonflies, birds, and other wildlife
87.13 species that are essential for ecosystems and food production across conservation lands,
87.14 open spaces, and natural areas; and

87.15 (2) provide additional benefits for water management, carbon sequestration, and landscape
87.16 and climate resiliency.

87.17 (b) The board must establish criteria for grants or payments awarded under this section.
87.18 Grants or payments awarded under this section may prioritize proposals in areas identified
87.19 by state and federal agencies and conservation partners as high priority for protecting
87.20 endangered or threatened pollinator and other species.

87.21 (c) The board may collaborate with and enter into agreements with federal, state, and
87.22 local agencies; Tribal Nations; nonprofit organizations; and contractors to implement and
87.23 promote the program.

87.24 Sec. 37. Minnesota Statutes 2022, section 103C.501, subdivision 1, is amended to read:

87.25 Subdivision 1. **Cost-share Program authorization.** The state board may allocate
87.26 available funds to districts ~~to share the cost of systems or~~ for practices, projects, and systems
87.27 for:

87.28 (1) erosion or sedimentation control or;

87.29 (2) improvements to water quality improvement that are designed to protect and improve
87.30 ~~soil and water resources; or water quantity;~~

87.31 (3) habitat enhancement;

88.1 (4) plant biodiversity;

88.2 (5) energy conservation; or

88.3 (6) climate adaptation, resiliency, or mitigation.

88.4 Sec. 38. Minnesota Statutes 2022, section 103C.501, subdivision 4, is amended to read:

88.5 Subd. 4. **Cost-sharing Use of funds.** ~~(a) The state board shall allocate cost-sharing funds~~
88.6 ~~to areas with high priority erosion, sedimentation, or water quality problems or water quantity~~

258.4 ~~problems due to altered hydrology. The areas must be selected based on priorities established~~
258.5 ~~by the state board.~~

258.6 ~~(b) The allocated funds must be used for:~~

258.7 ~~(1) for conservation practices for high-priority problems activities, including technical~~
258.8 ~~and financial assistance, identified in the comprehensive and annual work plans of the~~
258.9 ~~districts, for the technical assistance portion of the grant funds state-approved plans that are~~
258.10 ~~related to water and natural resources and established under chapters 103B, 103C, 103D,~~
258.11 ~~103F, 103G, and 114D;~~

258.12 ~~(2) to leverage federal or other nonstate funds; or~~

258.13 ~~(3) to address high-priority needs identified in local water management plans or~~
258.14 ~~comprehensive watershed management plans by the district based on public input.~~

258.15 Sec. 11. Minnesota Statutes 2022, section 103C.501, subdivision 5, is amended to read:

258.16 Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share basis
258.17 ~~to furnish financial aid to provide technical and financial assistance to a land occupier or~~
258.18 ~~to a state or federal agency for permanent systems practices and projects for:~~

258.19 ~~(1) erosion or sedimentation control or;~~

258.20 ~~(2) improvements to water quality or water quantity improvements that are consistent~~
258.21 ~~with the district's comprehensive and annual work plans.;~~

258.22 ~~(3) habitat enhancement;~~

258.23 ~~(4) plant biodiversity;~~

258.24 ~~(5) energy conservation; or~~

258.25 ~~(6) climate adaptation, resiliency, or mitigation.~~

258.26 ~~(b) A district board, with approval from the state board and, consistent with state board~~
258.27 ~~rules and policies, may contract on a cost-share basis to furnish financial aid to a land~~
258.28 ~~occupier for to provide technical and financial assistance for structural and nonstructural~~
258.29 ~~land management practices that are part of a planned erosion control or water quality~~
258.30 ~~improvement plan and projects.~~

259.1 ~~(c) The duration of the contract must, at a minimum, be the time required to complete~~
259.2 ~~the planned systems. A contract must specify that the land occupier is liable for monetary~~
259.3 ~~damages and penalties in an amount up to 150 percent of the financial assistance received~~
259.4 ~~from the district, for failure to complete the systems or practices in a timely manner or~~
259.5 ~~maintain the systems or practices as specified in the contract.~~

88.7 ~~problems due to altered hydrology. The areas must be selected based on priorities established~~
88.8 ~~by the state board.~~

88.9 ~~(b) The allocated funds must be used for:~~

88.10 ~~(1) for conservation practices for high-priority problems activities, including technical~~
88.11 ~~and financial assistance, identified in the comprehensive and annual work plans of the~~
88.12 ~~districts, for the technical assistance portion of the grant funds state-approved plans that are~~
88.13 ~~related to water and natural resources and established under chapters 103B, 103C, 103D,~~
88.14 ~~103F, 103G, and 114D;~~

88.15 ~~(2) to leverage federal or other nonstate funds; or~~

88.16 ~~(3) to address high-priority needs identified in local water management plans or~~
88.17 ~~comprehensive watershed management plans by the district based on public input.~~

88.18 Sec. 39. Minnesota Statutes 2022, section 103C.501, subdivision 5, is amended to read:

88.19 Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share basis
88.20 ~~to furnish financial aid to provide technical and financial assistance to a land occupier or~~
88.21 ~~to a state or federal agency for permanent systems practices and projects for:~~

88.22 ~~(1) erosion or sedimentation control or;~~

88.23 ~~(2) improvements to water quality or water quantity improvements that are consistent~~
88.24 ~~with the district's comprehensive and annual work plans.;~~

88.25 ~~(3) habitat enhancement;~~

88.26 ~~(4) plant biodiversity;~~

88.27 ~~(5) energy conservation; or~~

88.28 ~~(6) climate adaptation, resiliency, or mitigation.~~

89.1 ~~(b) A district board, with approval from the state board and, consistent with state board~~
89.2 ~~rules and policies, may contract on a cost-share basis to furnish financial aid to a land~~
89.3 ~~occupier for to provide technical and financial assistance for structural and nonstructural~~
89.4 ~~land management practices that are part of a planned erosion control or water quality~~
89.5 ~~improvement plan and projects.~~

89.6 ~~(c) The duration of the contract must, at a minimum, be the time required to complete~~
89.7 ~~the planned systems. A contract must specify that the land occupier is liable for monetary~~
89.8 ~~damages and penalties in an amount up to 150 percent of the financial assistance received~~
89.9 ~~from the district, for failure to complete the systems or practices in a timely manner or~~
89.10 ~~maintain the systems or practices as specified in the contract.~~

259.6 ~~(d) A contract may provide for cooperation or funding with federal agencies. A land~~
259.7 ~~occupier or state agency may provide the cost sharing portion of the contract through services~~
259.8 ~~in kind.~~

259.9 ~~(e)~~ (c) The state board or the district ~~board~~ may not furnish any financial ~~aid~~ assistance
259.10 for practices designed only to increase land productivity.

259.11 ~~(f)~~ (d) When a district ~~board~~ determines that long-term maintenance of a system or
259.12 practice is desirable, the district or the state board may require that maintenance be made
259.13 a covenant upon the land for the effective life of the practice. A covenant under this
259.14 subdivision shall be construed in the same manner as a conservation restriction under section
259.15 84.65.

259.16 Sec. 12. Minnesota Statutes 2022, section 103C.501, subdivision 6, is amended to read:

259.17 Subd. 6. **Policies and rules.** ~~(a)~~ The state board may adopt rules and shall adopt policies
259.18 prescribing:

259.19 (1) procedures and criteria for allocating funds ~~for cost sharing contracts; and~~

259.20 (2) standards and guidelines for ~~cost sharing~~ implementing the conservation contracts;
259.21 program.

259.22 ~~(3) the scope and content of district comprehensive plans, plan amendments, and annual~~
259.23 ~~work plans;~~

259.24 ~~(4) standards and methods necessary to plan and implement a priority cost sharing~~
259.25 ~~program, including guidelines to identify high priority erosion, sedimentation, and water~~
259.26 ~~quality problems and water quantity problems due to altered hydrology;~~

259.27 ~~(5) the share of the cost of conservation practices to be paid from cost sharing funds;~~
259.28 ~~and~~

259.29 ~~(6) requirements for districts to document their efforts to identify and contact land~~
259.30 ~~occupiers with high priority problems.~~

259.31 (b) The rules may provide that cost sharing may be used for windbreaks and shelterbelts
259.32 ~~for the purposes of energy conservation and snow protection.~~

260.1 Sec. 13. Minnesota Statutes 2022, section 103C.501, is amended by adding a subdivision
260.2 to read:

260.3 Subd. 7. **Inspections.** The district or the district's delegate must conduct site inspections
260.4 of conservation practices installed to determine if the land occupier is in compliance with
260.5 design, operation, and maintenance specifications.

260.6 Sec. 14. Minnesota Statutes 2022, section 103D.605, subdivision 5, is amended to read:

260.7 Subd. 5. **Establishment order.** After the project hearing, if the managers find that the
260.8 project will be conducive to public health, will promote the general welfare, and ~~is in~~

89.11 ~~(d) A contract may provide for cooperation or funding with federal agencies. A land~~
89.12 ~~occupier or state agency may provide the cost sharing portion of the contract through services~~
89.13 ~~in kind.~~

89.14 ~~(e)~~ (c) The state board or the district ~~board~~ may not furnish any financial ~~aid~~ assistance
89.15 for practices designed only to increase land productivity.

89.16 ~~(f)~~ (d) When a district ~~board~~ determines that long-term maintenance of a system or
89.17 practice is desirable, the district or the state board may require that maintenance be made
89.18 a covenant upon the land for the effective life of the practice. A covenant under this
89.19 subdivision shall be construed in the same manner as a conservation restriction under section
89.20 84.65.

89.21 Sec. 40. Minnesota Statutes 2022, section 103C.501, subdivision 6, is amended to read:

89.22 Subd. 6. **Policies and rules.** ~~(a)~~ The state board may adopt rules and shall adopt policies
89.23 prescribing:

89.24 (1) procedures and criteria for allocating funds ~~for cost sharing contracts; and~~

89.25 (2) standards and guidelines for ~~cost sharing~~ implementing the conservation contracts;
89.26 program.

89.27 ~~(3) the scope and content of district comprehensive plans, plan amendments, and annual~~
89.28 ~~work plans;~~

89.29 ~~(4) standards and methods necessary to plan and implement a priority cost sharing~~
89.30 ~~program, including guidelines to identify high priority erosion, sedimentation, and water~~
89.31 ~~quality problems and water quantity problems due to altered hydrology;~~

90.1 ~~(5) the share of the cost of conservation practices to be paid from cost sharing funds;~~
90.2 ~~and~~

90.3 ~~(6) requirements for districts to document their efforts to identify and contact land~~
90.4 ~~occupiers with high priority problems.~~

90.5 (b) The rules may provide that cost sharing may be used for windbreaks and shelterbelts
90.6 ~~for the purposes of energy conservation and snow protection.~~

90.7 Sec. 41. Minnesota Statutes 2022, section 103D.605, subdivision 5, is amended to read:

90.8 Subd. 5. **Establishment order.** After the project hearing, if the managers find that the
90.9 project will be conducive to public health, will promote the general welfare, and ~~is in~~

260.9 ~~compliance~~ complies with the watershed management plan and the provisions of this chapter,
260.10 the ~~board~~ managers must, by order, establish the project. The establishment order must
260.11 include the findings of the managers.

260.12 Sec. 15. **[103E.122] DRAINAGE REGISTRY INFORMATION PORTAL.**

260.13 (a) By December 31, 2023, the executive director of the Board of Water and Soil
260.14 Resources must establish and permanently maintain a drainage registry information portal
260.15 that includes a publicly searchable electronic database. The portal must allow a drainage
260.16 authority to electronically submit information on:

260.17 (1) a petitioned drainage project; and

260.18 (2) a petition or order for reestablishment of records.

260.19 (b) Within ten days of appointing an engineer for a petitioned drainage project or within
260.20 ten days of a finding that a record is incomplete under section 103E.101, subdivision 4a,
260.21 paragraph (a), a drainage authority must file the following information with the Board of
260.22 Water and Soil Resources through the registry information portal established under paragraph
260.23 (a):

260.24 (1) the name of the drainage authority;

260.25 (2) whether the filing results from a petitioned drainage project or a petition or order for
260.26 reestablishment of records;

260.27 (3) the date that the petition or order was filed;

260.28 (4) information for a local contact that can provide additional information; and

260.29 (5) a copy of the filed petition or order.

261.1 (c) A drainage authority may not take further action on a petitioned drainage project or
261.2 a petition or order for reestablishment of records until the information under paragraph (b)
261.3 is available for public viewing on the registry information portal.

261.4 (d) The registry information portal must allow members of the public to electronically
261.5 search for and retrieve information by the data fields specified in paragraph (b), clauses (1)
261.6 to (5).

261.7 Sec. 16. **[103F.06] SOIL HEALTH PRACTICES PROGRAM.**

261.8 Subdivision 1. **Definitions.** (a) In this section, the following terms have the meanings
261.9 given:

261.10 (1) "board" means the Board of Water and Soil Resources;

261.11 (2) "local units of government" has the meaning given under section 103B.305,
261.12 subdivision 5; and

90.10 ~~compliance~~ complies with the watershed management plan and the provisions of this chapter,
90.11 the ~~board~~ managers must, by order, establish the project. The establishment order must
90.12 include the findings of the managers.

90.13 Sec. 42. **[103F.06] SOIL HEALTH PRACTICES PROGRAM.**

90.14 Subdivision 1. **Definitions.** (a) In this section, the following terms have the meanings
90.15 given:

90.16 (1) "board" means the Board of Water and Soil Resources;

90.17 (2) "local units of government" has the meaning given under section 103B.305,
90.18 subdivision 5; and

261.13 (3) "soil health" has the meaning given under section 103C.101, subdivision 10a.

261.14 Subd. 2. **Establishment.** (a) The board must administer a financial and technical support
261.15 program to produce soil health practices that achieve water quality, soil productivity, climate
261.16 change resiliency, or carbon sequestration benefits or reduce pesticide and fertilizer use.

261.17 (b) The program must include but is not limited to no till, field borders, prairie strips,
261.18 cover crops, and other practices sanctioned by the board or the United States Department
261.19 of Agriculture's Natural Resources Conservation Service.

261.20 Subd. 3. **Financial and technical assistance.** (a) The board may provide financial and
261.21 technical support to local units of government, private sector organizations, and farmers to
261.22 establish soil health practices and related practices with climate and water-quality benefits.

261.23 (b) The board must establish practices and costs that are eligible for financial and technical
261.24 support under this section.

261.25 Subd. 4. **Program implementation.** (a) The board may employ staff or enter into external
261.26 agreements to implement this section.

261.27 (b) The board must assist local units of government in achieving the objectives of the
261.28 program, including assessing practice standards and program effectiveness.

261.29 Subd. 5. **Federal aid availability.** The board must regularly review and optimize the
261.30 availability of federal funds and programs to supplement or complement state and other
261.31 efforts consistent with the purposes of this section.

262.1 Subd. 6. **Soil health practices.** The board, in consultation with the commissioner of
262.2 agriculture, may cooperate with the United States Department of Agriculture, other federal
262.3 and state agencies, local governments, and private sector organizations to establish soil
262.4 health goals for the state that will achieve water quality, soil productivity, climate change
262.5 resiliency, and carbon sequestration benefits and reduce pesticide and fertilizer use.

262.6 Sec. 17. Minnesota Statutes 2022, section 103F.505, is amended to read:

262.7 **103F.505 PURPOSE AND POLICY.**

262.8 (a) It is the purpose of sections 103F.505 to 103F.531 to restore certain marginal
262.9 agricultural land and protect environmentally sensitive areas to:

262.10 (1) enhance soil and water quality;

90.19 (3) "soil health" has the meaning given under section 103C.101, subdivision 10a.

90.20 Subd. 2. **Establishment.** (a) The board must administer a financial and technical support
90.21 program to produce soil health practices that achieve water quality, soil productivity, climate
90.22 change resiliency, or carbon sequestration benefits.

90.23 (b) The program must include but is not limited to no till, field borders, prairie strips,
90.24 cover crops, and other practices sanctioned by the board or the United States Department
90.25 of Agriculture's Natural Resources Conservation Service.

90.26 Subd. 3. **Financial and technical assistance.** (a) The board may provide financial and
90.27 technical support to local units of government, private sector organizations, and farmers to
90.28 establish soil health practices and related practices with climate and water-quality benefits.

90.29 (b) The board must establish practices and costs that are eligible for financial and technical
90.30 support under this section.

91.1 Subd. 4. **Program implementation.** (a) The board may employ staff or enter into external
91.2 agreements to implement this section.

91.3 (b) The board must assist local units of government in achieving the objectives of the
91.4 program, including assessing practice standards and program effectiveness.

91.5 Subd. 5. **Federal aid availability.** The board must regularly review availability of federal
91.6 funds and programs to supplement or complement state and other efforts consistent with
91.7 the purposes of this section.

91.8 Subd. 6. **Soil health practices.** The board, in consultation with the commissioner of
91.9 agriculture, may cooperate with the United States Department of Agriculture, other federal
91.10 and state agencies, local governments, and private sector organizations to establish soil
91.11 health goals for the state that will achieve water quality, soil productivity, climate change
91.12 resiliency, and carbon sequestration benefits.

91.13 Subd. 7. **Carbon market applicability.** The board, in consultation with the commissioner
91.14 of agriculture, may cooperate with the United States Department of Agriculture, other federal
91.15 and state agencies, local governments, and private sector organizations to align or incorporate
91.16 soil health practices with carbon trading, mitigation, or offset markets and related tracking
91.17 or recognition efforts.

91.18 Sec. 43. Minnesota Statutes 2022, section 103F.505, is amended to read:

91.19 **103F.505 PURPOSE AND POLICY.**

91.20 (a) It is the purpose of sections 103F.505 to 103F.531 to restore certain marginal
91.21 agricultural land and protect environmentally sensitive areas to:

91.22 (1) enhance soil and water quality;

262.11 (2) minimize damage to flood-prone areas;₂

262.12 (3) sequester carbon; ~~and;~~

262.13 (4) support native plant, fish, and wildlife habitats; and

262.14 (5) establish perennial vegetation.

262.15 (b) It is state policy to encourage ~~the~~:

262.16 (1) restoration of wetlands and riparian lands ~~and promote the retirement;~~

262.17 (2) restoration and protection of marginal, highly erodible land, particularly land adjacent

262.18 to public waters, drainage systems, wetlands, and locally designated priority waters; and

262.19 (3) protection of environmentally sensitive areas, including wellhead protection areas,

262.20 grasslands, peatlands, shorelands, karst geology, and forest lands in priority areas.

262.21 Sec. 18. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision

262.22 to read:

262.23 Subd. 5a. **Grasslands.** "Grasslands" means landscapes that are or were formerly

262.24 dominated by grasses, that have a low percentage of trees and shrubs, and that provide

262.25 economic and ecosystem services such as managed grazing, wildlife habitat, carbon

262.26 sequestration, and water filtration and retention.

263.1 Sec. 19. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision

263.2 to read:

263.3 Subd. 8d. **Restored prairie.** "Restored prairie" means a restoration that uses at least 25

263.4 representative and biologically diverse native prairie plant species and that occurs on land

263.5 that was previously cropped or used as pasture.

263.6 Sec. 20. **[103F.519] REINVEST IN MINNESOTA WORKING LANDS PROGRAM.**

263.7 Subdivision 1. **Establishment.** The board may establish and administer a reinvest in

263.8 Minnesota working lands program that is in addition to the program established under

263.9 section 103F.515. Selecting land for the program must be based on the land's potential for:

263.10 (1) protecting or improving water quality;

263.11 (2) reducing erosion;

263.12 (3) improving soil health;

263.13 (4) reducing chemical inputs;

263.14 (5) improving carbon storage; and

263.15 (6) increasing biodiversity and habitat for fish, wildlife, and native plants.

91.23 (2) minimize damage to flood-prone areas;₂

91.24 (3) sequester carbon; ~~and;~~

91.25 (4) support native plant, fish, and wildlife habitats; and

91.26 (5) establish perennial vegetation.

91.27 (b) It is state policy to encourage ~~the~~:

91.28 (1) restoration of wetlands and riparian lands ~~and promote the retirement;~~

91.29 (2) restoration and protection of marginal, highly erodible land, particularly land adjacent

91.30 to public waters, drainage systems, wetlands, and locally designated priority waters; and

92.1 (3) protection of environmentally sensitive areas, including wellhead protection areas,

92.2 grasslands, peatlands, shorelands, and forest lands in priority areas.

92.3 Sec. 44. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision

92.4 to read:

92.5 Subd. 5a. **Grasslands.** "Grasslands" means landscapes that are or were formerly

92.6 dominated by grasses, that have a low percentage of trees and shrubs, and that provide

92.7 economic and ecosystem services such as grazing, wildlife habitat, carbon sequestration,

92.8 and water filtration and retention.

92.9 Sec. 45. **[103F.519] REINVEST IN MINNESOTA WORKING LANDS PROGRAM.**

92.10 Subdivision 1. **Establishment.** The board may establish and administer a reinvest in

92.11 Minnesota working lands program that is in addition to the program established under

92.12 section 103F.515. Selecting land for the program must be based on the land's potential for:

92.13 (1) protecting or improving water quality;

92.14 (2) reducing erosion;

92.15 (3) improving soil health;

92.16 (4) reducing chemical inputs;

92.17 (5) improving carbon storage; and

92.18 (6) increasing biodiversity and habitat for fish, wildlife, and native plants.

263.16 Subd. 2. **Applicability.** Section 103F.515 applies to this section except as otherwise
263.17 provided in subdivisions 1, 3, and 4.

263.18 Subd. 3. **Nature of property rights acquired.** Notwithstanding section 103F.515,
263.19 subdivision 4, paragraph (a), the board may authorize managed haying and managed livestock
263.20 grazing, perennial or winter annual cover crop production, forest management, or other
263.21 activities that the board determines are consistent with section 103F.505 or appropriation
263.22 conditions or criteria.

263.23 Subd. 4. **Payments for easements.** The board must establish payment rates for acquiring
263.24 easements and for related practices. The board must consider market factors as well as
263.25 easement terms, including length and allowable uses, when establishing rates.

263.26 Sec. 21. Minnesota Statutes 2022, section 103G.2242, subdivision 1, is amended to read:

263.27 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt
263.28 rules governing the approval of wetland value replacement plans under this section and
263.29 public-waters-work permits affecting public waters wetlands under section 103G.245. These
263.30 rules must address the criteria, procedure, timing, and location of acceptable replacement
264.1 of wetland values and may address the state establishment and administration of a wetland
264.2 banking program for public and private projects, including provisions for an in-lieu fee
264.3 program; mitigating and banking other water and water-related resources; the administrative,
264.4 monitoring, and enforcement procedures to be used; and a procedure for the review and
264.5 appeal of decisions under this section. In the case of peatlands, the replacement plan rules
264.6 must consider the impact on carbon. Any in-lieu fee program established by the board must
264.7 conform with Code of Federal Regulations, title 33, section 332.8, as amended.

264.8 (b) After the adoption of the rules, a replacement plan must be approved by a resolution
264.9 of the governing body of the local government unit, consistent with the provisions of the
264.10 rules or a comprehensive wetland protection and management plan approved under section
264.11 103G.2243.

264.12 (c) If the local government unit fails to apply the rules, or fails to implement a local
264.13 comprehensive wetland protection and management plan established under section
264.14 103G.2243, the government unit is subject to penalty as determined by the board.

264.15 (d) When making a determination under rules adopted pursuant to this subdivision on
264.16 whether a rare natural community will be permanently adversely affected, consideration of
264.17 measures to mitigate any adverse effect on the community must be considered.

264.18 Sec. 22. **REPEALER.**

264.19 (a) Minnesota Statutes 2022, section 103C.501, subdivisions 2 and 3, are repealed.

92.19 Subd. 2. **Applicability.** Section 103F.515 applies to this section except as otherwise
92.20 provided in subdivisions 1, 3, and 4.

92.21 Subd. 3. **Nature of property rights acquired.** Notwithstanding section 103F.515,
92.22 subdivision 4, paragraph (a), the board may authorize haying and livestock grazing, perennial
92.23 or winter annual cover crop production, forest management, or other activities that the board
92.24 determines are consistent with section 103F.505 or appropriation conditions or criteria.

92.25 Subd. 4. **Payments for easements.** The board must establish payment rates for acquiring
92.26 easements and for related practices. The board must consider market factors as well as
92.27 easement terms, including length and allowable uses, when establishing rates.

138.1 Sec. 78. **REPEALER.**

138.2 (a) Minnesota Statutes 2022, sections 103C.501, subdivisions 2 and 3; 115.44, subdivision
138.3 9; 116.011; 325E.389; and 325E.3891, are repealed.

264.20 (b) Minnesota Rules, parts 8400.0500; 8400.0550; 8400.0600, subparts 4 and 5;
264.21 8400.0900, subparts 1, 2, 4, and 5; 8400.1650; 8400.1700; 8400.1750; 8400.1800; and
264.22 8400.1900, are repealed.

264.23 **ARTICLE 6**

264.24 **FARMED CERVIDAE**

264.25 Section 1. Minnesota Statutes 2022, section 13.643, subdivision 6, is amended to read:

264.26 Subd. 6. **Animal premises data.** (a) Except for farmed Cervidae premises location data
264.27 collected and maintained under section 35.155, the following data collected and maintained
264.28 by the Board of Animal Health related to registration and identification of premises and
264.29 animals under chapter 35, are classified as private or nonpublic:

- 264.30 (1) the names and addresses;
264.31 (2) the location of the premises where animals are kept; and
265.1 (3) the identification number of the premises or the animal.

265.2 (b) Except as provided in section 347.58, subdivision 5, data collected and maintained
265.3 by the Board of Animal Health under sections 347.57 to 347.64 are classified as private or
265.4 nonpublic.

265.5 (c) The Board of Animal Health may disclose data collected under paragraph (a) or (b)
265.6 to any person, agency, or to the public if the board determines that the access will aid in the
265.7 law enforcement process or the protection of public or animal health or safety.

265.8 Sec. 2. Minnesota Statutes 2022, section 17.118, subdivision 2, is amended to read:

265.9 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this
265.10 subdivision have the meanings given them.

265.11 (b) "Livestock" means beef cattle, dairy cattle, swine, poultry, goats, mules, farmed
265.12 Cervidae, Ratitae, bison, sheep, horses, and llamas.

265.13 (c) "Qualifying expenditures" means the amount spent for:

265.14 (1) the acquisition, construction, or improvement of buildings or facilities for the
265.15 production of livestock or livestock products;

265.16 (2) the development of pasture for use by livestock including, but not limited to, the
265.17 acquisition, development, or improvement of;

265.18 (i) lanes used by livestock that connect pastures to a central location;

265.19 (ii) watering systems for livestock on pasture including water lines, booster pumps, and
265.20 well installations;

265.21 (iii) livestock stream crossing stabilization; and

138.4 (b) Minnesota Rules, parts 8400.0500; 8400.0550; 8400.0600, subparts 4 and 5;
138.5 8400.0900, subparts 1, 2, 4, and 5; 8400.1650; 8400.1700; 8400.1750; 8400.1800; and
138.6 8400.1900, are repealed.

265.22 (iv) fences; or

265.23 (3) the acquisition of equipment for livestock housing, confinement, feeding, and waste

265.24 management including, but not limited to, the following:

265.25 (i) freestall barns;

265.26 (ii) watering facilities;

265.27 (iii) feed storage and handling equipment;

265.28 (iv) milking parlors;

265.29 (v) robotic equipment;

266.1 (vi) scales;

266.2 (vii) milk storage and cooling facilities;

266.3 (viii) bulk tanks;

266.4 (ix) computer hardware and software and associated equipment used to monitor the

266.5 productivity and feeding of livestock;

266.6 (x) manure pumping and storage facilities;

266.7 (xi) swine farrowing facilities;

266.8 (xii) swine and cattle finishing barns;

266.9 (xiii) calving facilities;

266.10 (xiv) digesters;

266.11 (xv) equipment used to produce energy;

266.12 (xvi) on-farm processing facilities equipment;

266.13 (xvii) fences, including but not limited to farmed Cervidae perimeter fences required

266.14 under section 35.155, ~~subdivision 4~~ subdivisions 4 and 4a; and

266.15 (xviii) livestock pens and corrals and sorting, restraining, and loading chutes.

266.16 Except for qualifying pasture development expenditures under clause (2), qualifying

266.17 expenditures only include amounts that are allowed to be capitalized and deducted under

266.18 either section 167 or 179 of the Internal Revenue Code in computing federal taxable income.

266.19 Qualifying expenditures do not include an amount paid to refinance existing debt.

266.20 Sec. 3. Minnesota Statutes 2022, section 35.155, subdivision 1, is amended to read:

266.21 Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed

266.22 Cervidae to run at large. The owner must make all reasonable efforts to return escaped

266.23 farmed Cervidae to their enclosures as soon as possible. The owner must immediately notify

65.30 Section 1. Minnesota Statutes 2022, section 35.155, subdivision 1, is amended to read:

65.31 Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed

65.32 Cervidae to run at large. The owner must make all reasonable efforts to return escaped

65.33 farmed Cervidae to their enclosures as soon as possible. The owner must immediately notify

266.24 the commissioner of natural resources of the escape of farmed Cervidae if the farmed
266.25 Cervidae are not returned or captured by the owner within 24 hours of their escape.

266.26 (b) An owner is liable for expenses of another person in capturing, caring for, and
266.27 returning farmed Cervidae that have left their enclosures if the person capturing the farmed
266.28 Cervidae contacts the owner as soon as possible.

266.29 (c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the
266.30 commissioner of natural resources may destroy the escaped farmed Cervidae. The
267.1 commissioner of natural resources must allow the owner to attempt to capture the escaped
267.2 farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not
267.3 captured by 24 hours after escape may be destroyed.

267.4 (d) A hunter licensed by the commissioner of natural resources under chapter 97A may
267.5 kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner
267.6 for the loss of the animal. A licensed hunter who harvests escaped farmed Cervidae under
267.7 this paragraph must immediately notify the commissioner of natural resources.

267.8 (e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of
267.9 natural resources must be tested for chronic wasting disease.

267.10 (f) The owner is responsible for proper disposal, as determined by the board, of farmed
267.11 Cervidae that are killed or destroyed under this subdivision and test positive for chronic
267.12 wasting disease.

267.13 (g) An owner is liable for any additional costs associated with escaped farmed Cervidae
267.14 that are infected with chronic wasting disease. This paragraph may be enforced by the
267.15 attorney general on behalf of any state agency affected.

267.16 **EFFECTIVE DATE.** This section is effective September 1, 2023.

267.17 Sec. 4. Minnesota Statutes 2022, section 35.155, subdivision 4, is amended to read:

267.18 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent
267.19 escape. Except as provided in subdivision 4a, all perimeter fences for farmed Cervidae must
267.20 be at least 96 inches in height and be constructed and maintained in a way that prevents the
267.21 escape of farmed Cervidae ~~or~~ entry into the premises by free-roaming Cervidae, and physical
267.22 contact between farmed Cervidae and free-roaming Cervidae. ~~After July 1, 2019, All new~~
267.23 ~~fencing installed and all fencing used to repair deficiencies must be high tensile. By~~
267.24 ~~December 1, 2019, All entry areas for farmed Cervidae enclosure areas must have two~~
267.25 ~~redundant gates, which must be maintained to prevent the escape of animals through an~~
267.26 ~~open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner~~
267.27 ~~must repair the deficiency within a reasonable time, as determined by the Board of Animal~~
267.28 ~~Health, not to exceed 45 14 days. If a fence deficiency is detected during an inspection, the~~
267.29 ~~facility must be reinspected at least once in the subsequent three months. The farmed~~
267.30 ~~Cervidae owner must pay a reinspection fee equal to one-half the applicable annual inspection~~

66.1 the commissioner of natural resources of the escape of farmed Cervidae if the farmed
66.2 Cervidae are not returned or captured by the owner within 24 hours of their escape.

66.3 (b) An owner is liable for expenses of another person in capturing, caring for, and
66.4 returning farmed Cervidae that have left their enclosures if the person capturing the farmed
66.5 Cervidae contacts the owner as soon as possible.

66.6 (c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the
66.7 commissioner of natural resources may destroy the escaped farmed Cervidae. The
66.8 commissioner of natural resources must allow the owner to attempt to capture the escaped
66.9 farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not
66.10 captured by 24 hours after escape may be destroyed.

66.11 (d) A hunter licensed by the commissioner of natural resources under chapter 97A may
66.12 kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner
66.13 for the loss of the animal.

66.14 (e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of
66.15 natural resources must be tested for chronic wasting disease.

66.16 (f) The owner is responsible for proper disposal, as determined by the board, of farmed
66.17 Cervidae that are killed or destroyed under this subdivision and test positive for chronic
66.18 wasting disease.

66.19 (g) An owner is liable for any additional costs associated with escaped farmed Cervidae
66.20 that are infected with chronic wasting disease, unless the escape was a result of a natural
66.21 disaster, vandalism, or destruction by a third party. This paragraph may be enforced by the
66.22 attorney general on behalf of any state agency affected.

66.23 **EFFECTIVE DATE.** This section is effective September 1, 2023.

66.24 Sec. 2. Minnesota Statutes 2022, section 35.155, subdivision 4, is amended to read:

66.25 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent
66.26 escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and
66.27 be constructed and maintained in a way that prevents the escape of farmed Cervidae ~~or~~
66.28 entry into the premises by free-roaming Cervidae, and physical contact between farmed
66.29 Cervidae and free-roaming Cervidae. The Board of Animal Health may determine whether
66.30 the construction and maintenance of fencing is adequate under this subdivision and may
66.31 compel corrective action where it determines fencing is inadequate. ~~After July 1, 2019, All~~
66.32 ~~new fencing installed and all fencing used to repair deficiencies must be high tensile. By~~
66.33 ~~December 1, 2019, All entry areas for farmed Cervidae enclosure areas must have two~~
67.1 ~~redundant gates, which must be maintained to prevent the escape of animals through an~~
67.2 ~~open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner~~
67.3 ~~must immediately repair the deficiency. All other deficiencies must be repaired within a~~
67.4 ~~reasonable time, as determined by the Board of Animal Health, not to exceed 45 14 days.~~

267.31 fee under subdivision 7a for each reinspection related to a fence violation. If the facility
267.32 experiences more than one escape incident in any six-month period or fails to correct a
267.33 deficiency found during an inspection, the board may revoke the facility's registration and
268.1 order the owner to remove or destroy the animals as directed by the board. If the board
268.2 revokes a facility's registration, the commissioner of natural resources may seize and destroy
268.3 animals at the facility.

268.4 **EFFECTIVE DATE.** This section is effective September 1, 2024.

268.5 Sec. 5. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to
268.6 read:

268.7 Subd. 4a. **Fencing; commercial herds.** In addition to the requirements in subdivision
268.8 4, commercially farmed white-tailed deer must be confined by two or more perimeter fences,
268.9 with each perimeter fence at least 120 inches in height.

268.10 **EFFECTIVE DATE.** This section is effective September 1, 2024.

268.11 Sec. 6. Minnesota Statutes 2022, section 35.155, subdivision 10, is amended to read:

268.12 Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in
268.13 Minnesota unless the person is registered with the Board of Animal Health and meets all
268.14 the requirements for farmed Cervidae under this section. Cervidae possessed in violation
268.15 of this subdivision may be seized and destroyed by the commissioner of natural resources.

268.16 (b) A person whose registration is revoked by the board is ineligible for future registration
268.17 under this section unless the board determines that the person has undertaken measures that
268.18 make future escapes extremely unlikely.

268.19 (c) The board must not allow new registrations under this section for possessing
268.20 white-tailed deer. This paragraph does not prohibit a person holding a valid registration
268.21 under this subdivision from selling or transferring the person's registration to a family
268.22 member who resides in this state and is related to the person within the third degree of
268.23 kindred according to the rules of civil law. A valid registration may be sold or transferred
268.24 only once under this paragraph. Before the board approves a sale or transfer under this
268.25 paragraph, the board must verify that the herd is free from chronic wasting disease and the
268.26 person or eligible family member must pay a onetime transfer fee of \$500 to the board.

268.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

268.28 Sec. 7. Minnesota Statutes 2022, section 35.155, subdivision 11, is amended to read:

268.29 Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a)
268.30 An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian
268.31 and filed with the Board of Animal Health every 12 months.

67.5 If a fence deficiency is detected during an inspection, the facility must be reinspected at
67.6 least once in the subsequent three months. The farmed Cervidae owner must pay a
67.7 reinspection fee equal to one-half the applicable annual inspection fee under subdivision
67.8 7a for each reinspection related to a fence violation. If the facility experiences more than
67.9 one escape incident in any six-month period or fails to correct a deficiency found during
67.10 an inspection, the board may revoke the facility's registration and order the owner to remove
67.11 or destroy the animals as directed by the board. If the board revokes a facility's registration,
67.12 the commissioner of natural resources may seize and destroy animals at the facility.

67.13 **EFFECTIVE DATE.** This section is effective September 1, 2024.

67.14 Sec. 3. Minnesota Statutes 2022, section 35.155, subdivision 10, is amended to read:

67.15 Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in
67.16 Minnesota unless the person is registered with the Board of Animal Health and meets all
67.17 the requirements for farmed Cervidae under this section. Cervidae possessed in violation
67.18 of this subdivision may be seized and destroyed by the commissioner of natural resources.

67.19 (b) A person whose registration is revoked by the board is ineligible for future registration
67.20 under this section unless the board determines that the person has undertaken measures that
67.21 make future escapes extremely unlikely.

67.22 (c) The board must not allow new registrations under this section for possessing
67.23 white-tailed deer. A valid registration may be sold or transferred only once under this
67.24 paragraph. Before the board approves a sale or transfer under this paragraph, the board must
67.25 verify that the herd is free from chronic wasting disease.

67.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

67.27 Sec. 4. Minnesota Statutes 2022, section 35.155, subdivision 11, is amended to read:

67.28 Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a)
67.29 An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian
67.30 and filed with the Board of Animal Health every 12 months.

269.1 (b) Movement of farmed Cervidae from any premises to another location must be reported
269.2 to the Board of Animal Health within 14 days of the movement on forms approved by the
269.3 Board of Animal Health. A person must not move farmed white-tailed deer from a herd that
269.4 tests positive for chronic wasting disease from any premises to another location.

269.5 (c) All animals from farmed Cervidae herds that are over ~~12~~ six months of age that die
269.6 or are slaughtered must be tested for chronic wasting disease.

269.7 (d) The owner of a premises where chronic wasting disease is detected must:

269.8 (1) allow and cooperate with inspections of the premises as determined by the Board of
269.9 Animal Health and Department of Natural Resources conservation officers and wildlife
269.10 managers;

269.11 ~~(2)~~ (2) depopulate the premises of Cervidae after the federal indemnification process
269.12 has been completed or, if an indemnification application is not submitted, within ~~a reasonable~~
269.13 ~~time determined by the board in consultation with the commissioner of natural resources~~
269.14 30 days;

269.15 ~~(2)~~ (3) maintain the fencing required under ~~subdivision subdivisions~~ subdivision 4 and 4a on the
269.16 premises for ~~five~~ ten years after the date of detection; ~~and~~

269.17 ~~(3)~~ (4) post the fencing on the premises with biohazard signs as directed by the board;

269.18 (5) not raise farmed Cervidae on the premises for at least ten years;

269.19 (6) before signing an agreement to sell or transfer the property, disclose in writing to
269.20 the buyer or transferee the date of depopulation and the requirements incumbent upon the
269.21 premises and the buyer or transferee under this paragraph; and

269.22 (7) record with the county recorder or registrar of titles, as appropriate, in the county
269.23 where the premises is located a notice, in the form required by the board, that meets the
269.24 recording requirements of sections 507.093 and 507.24 and includes the nearest address
269.25 and the legal description of the premises, the date of detection, the date of depopulation,
269.26 the landowner requirements under this paragraph, and any other information required by
269.27 the board. The legal description must be the legal description of record with the county
269.28 recorder or registrar of titles and must not otherwise be the real estate tax statement legal
269.29 description of the premises. The notice expires and has no effect ten years after the date of
269.30 detection stated in the notice. The registrar of titles must omit an expired notice from future
269.31 certificates of title.

269.32 (e) An owner of farmed Cervidae that test positive for chronic wasting disease is
269.33 responsible for proper disposal of the animals, as determined by the board.

67.31 (b) Movement of farmed Cervidae from any premises to another location must be reported
67.32 to the Board of Animal Health within 14 days of the movement on forms approved by the
68.1 Board of Animal Health. A person must not move farmed white-tailed deer from a herd that
68.2 tests positive for chronic wasting disease from any premises to another location.

68.3 (c) All animals from farmed Cervidae herds that are over ~~12~~ six months of age that die
68.4 or are slaughtered must be tested for chronic wasting disease.

68.5 (d) The owner of a premises where chronic wasting disease is detected must:

68.6 (1) allow and cooperate with inspections of the premises as determined by the Board of
68.7 Animal Health and Department of Natural Resources conservation officers and wildlife
68.8 managers;

68.9 ~~(2)~~ (2) depopulate the premises of Cervidae after the federal indemnification process
68.10 has been completed or, if an indemnification application is not submitted, within ~~a reasonable~~
68.11 ~~time determined by the board in consultation with the commissioner of natural resources~~
68.12 30 days;

68.13 ~~(2)~~ (3) maintain the fencing required under subdivision 4 on the premises for ~~five~~ ten
68.14 years after the date of detection; ~~and~~

68.15 ~~(3)~~ (4) post the fencing on the premises with biohazard signs as directed by the board;

68.16 (5) not raise farmed Cervidae on the premises for at least ten years;

68.17 (6) before signing an agreement to sell or transfer the property, disclose in writing to
68.18 the buyer or transferee the date of depopulation and the requirements incumbent upon the
68.19 premises and the buyer or transferee under this paragraph; and

68.20 (7) record with the county recorder or registrar of titles as appropriate, in the county
68.21 where the premises is located, a notice, in the form required by the board that meets the
68.22 recording requirements of sections 507.093 and 507.24, and that includes the nearest address
68.23 and the legal description of the premises, the date of detection, the date of depopulation,
68.24 the landowner requirements under this paragraph, and any other information required by
68.25 the board. The legal description must be the legal description of record with the county
68.26 recorder or registrar of titles and must not otherwise be the real estate tax statement legal
68.27 description for the premises. The notice expires and has no effect ten years after the date
68.28 of detection stated in the notice. An expired notice must be omitted by the registrar of titles
68.29 from future certificates of title.

68.30 (e) An owner of farmed Cervidae that test positive for chronic wasting disease is
68.31 responsible for proper disposal of the animals, as determined by the board.

270.1 Sec. 8. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to
270.2 read:

270.3 Subd. 11a. **Liability.** (a) A herd owner is liable in a civil action to a person injured by
270.4 the owner's sale or unlawful disposal of farmed Cervidae infected with or exposed to chronic
270.5 wasting disease. Action may be brought in a county where the farmed Cervidae are sold,
270.6 delivered, or unlawfully disposed.

270.7 (b) A herd owner is liable to the state for costs associated with the owner's unlawful
270.8 disposal of farmed Cervidae infected with or exposed to chronic wasting disease. This
270.9 paragraph may be enforced by the attorney general on behalf of any state agency affected.

270.10 Sec. 9. Minnesota Statutes 2022, section 35.155, subdivision 12, is amended to read:

270.11 Subd. 12. **Importation.** (a) A person must not import live Cervidae or Cervidae semen
270.12 into the state from a herd that is:

270.13 (1) infected with or has been exposed to chronic wasting disease; or

270.14 (2) from a known state or province where chronic wasting disease endemic area, as
270.15 determined by the board is present in farmed or wild Cervidae populations.

270.16 (b) A person may import live Cervidae or Cervidae semen into the state only from a
270.17 herd that:

270.18 (1) is not in a known located in a state or province where chronic wasting disease endemic
270.19 area, as determined by the board, is present in farmed or wild Cervidae populations; and
270.20 the herd

270.21 (2) has been subject to a state or provincial approved state- or provincial-approved
270.22 chronic wasting disease monitoring program for at least three years.

270.23 (c) Cervidae or Cervidae semen imported in violation of this section may be seized and
270.24 destroyed by the commissioner of natural resources.

270.25 (d) This subdivision does not apply to the interstate transfer of animals between two
270.26 facilities accredited by the Association of Zoos and Aquariums;

69.1 Sec. 5. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to
69.2 read:

69.3 Subd. 11a. **Liability.** (a) A herd owner is liable in a civil action to a person injured by
69.4 the owner's sale or unlawful disposal of farmed Cervidae if the herd owner knew or
69.5 reasonably should have known that the farmed Cervidae were infected with or exposed to
69.6 chronic wasting disease. Action may be brought in a county where the farmed Cervidae are
69.7 sold, delivered, or unlawfully disposed.

69.8 (b) A herd owner is liable to the state for costs associated with the owner's unlawful
69.9 disposal of farmed Cervidae infected with or exposed to chronic wasting disease. This
69.10 paragraph may be enforced by the attorney general on behalf of any state agency affected.

69.11 Sec. 6. Minnesota Statutes 2022, section 35.155, subdivision 12, is amended to read:

69.12 Subd. 12. **Importation.** (a) A person must not import live Cervidae or Cervidae semen
69.13 into the state from a herd that is:

69.14 (1) infected with or has been exposed to chronic wasting disease; or

69.15 (2) from a known state or province where chronic wasting disease endemic area, as
69.16 determined by the board is present in farmed or wild Cervidae populations.

69.17 (b) A person may import live Cervidae or Cervidae semen into the state only from a
69.18 herd that:

69.19 (1) is not in a known located in a state or province where chronic wasting disease endemic
69.20 area, as determined by the board, is present in farmed or wild Cervidae populations; and
69.21 the herd

69.22 (2) has been subject to a state or provincial approved state- or provincial-approved
69.23 chronic wasting disease monitoring program for at least three years.

69.24 (c) Cervidae or Cervidae semen imported in violation of this section may be seized and
69.25 destroyed by the commissioner of natural resources.

69.26 (d) Nothing in this section prohibits a person from importing Cervidae semen from a
69.27 herd certified as low-risk for chronic wasting disease under the chronic wasting disease
69.28 voluntary herd certification program operated by the United States Department of
69.29 Agriculture's Animal and Plant Health Inspection Service.

69.30 (e) Nothing in this subdivision shall be construed to prevent:

70.1 (1) interstate transfer of animals between two facilities accredited by the Association of
70.2 Zoos and Aquariums; or

270.27 (e) Notwithstanding this subdivision, the commissioner of natural resources may issue
270.28 a permit allowing the importation of orphaned wild cervid species that are not susceptible
270.29 to chronic wasting disease from another state to an Association of Zoos and Aquariums
270.30 accredited institution in Minnesota following a joint risk-based assessment conducted by
270.31 the commissioner and the institution.

271.1 Sec. 10. Minnesota Statutes 2022, section 35.156, subdivision 2, is amended to read:

271.2 Subd. 2. **Federal fund account.** (a) Money granted to the state by the federal government
271.3 for purposes of chronic wasting disease must be credited to a separate account in the federal
271.4 fund and, except as provided in paragraph (b), is annually appropriated to the commissioner
271.5 of agriculture for the purposes for which the federal grant was made according to section
271.6 17.03.

271.7 (b) Money granted to the state by the federal government for response to, and remediation
271.8 of, farmed or wild white-tailed deer infected with chronic wasting disease is annually
271.9 appropriated to the commissioner of natural resources according to section 84.085,
271.10 subdivision 1.

271.11 Sec. 11. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
271.12 read:

271.13 Subd. 3. **Consultation required.** The Board of Animal Health and the commissioner
271.14 of natural resources must consult the Minnesota Center for Prion Research and Outreach
271.15 at the University of Minnesota and incorporate peer-reviewed scientific information when
271.16 administering and enforcing section 35.155 and associated rules pertaining to chronic wasting
271.17 disease and farmed Cervidae.

271.18 Sec. 12. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
271.19 read:

271.20 Subd. 4. **Notice required.** The Board of Animal Health must promptly notify affected
271.21 local units of government and Tribal governments when an animal in a farmed Cervidae
271.22 herd tests positive for chronic wasting disease.

70.3 (2) importation of orphaned wild Cervidae for placement at an institution accredited by
70.4 the Association of Zoos and Aquariums when approved on a case-by-case basis by the
70.5 commissioner of natural resources.

70.6 Sec. 7. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to
70.7 read:

70.8 Subd. 15. **Cooperation with Board of Animal Health.** The commissioner of natural
70.9 resources may contract with the Board of Animal Health to administer some or all of sections
70.10 35.153 to 35.156 for farmed white-tailed deer.

70.11 **EFFECTIVE DATE.** This section is effective July 1, 2025.

70.12 Sec. 8. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
70.13 read:

70.14 Subd. 3. **Consultation required.** The Board of Animal Health and the commissioner
70.15 of natural resources must consult the Minnesota Center for Prion Research and Outreach
70.16 at the University of Minnesota and incorporate peer-reviewed scientific information when
70.17 administering and enforcing section 35.155 and associated rules pertaining to chronic wasting
70.18 disease and farmed Cervidae.

70.19 Sec. 9. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
70.20 read:

70.21 Subd. 4. **Notice required.** The Board of Animal Health must promptly notify affected
70.22 local units of government and Tribal governments when an animal in a farmed Cervidae
70.23 herd tests positive for chronic wasting disease.

271.23 Sec. 13. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
271.24 read:

271.25 Subd. 5. **Annual testing required.** (a) Annually beginning July 1, 2023, the Board of
271.26 Animal Health must have each farmed white-tailed deer possessed by a person registered
271.27 under section 35.155 tested for chronic wasting disease using a real-time quaking-induced
271.28 conversion (RT-QuIC) test offered by a public or private diagnostic laboratory. Live-animal
271.29 testing must consist of an ear biopsy, the collection of which must be managed by the Board
271.30 of Animal Health, with each laboratory reporting RT-QuIC results to both the commissioner
271.31 of natural resources and the Board of Animal Health in the form required by both agencies.
272.1 If a white-tailed deer tests positive, the owner must have the animal tested a second time
272.2 using an RT-QuIC test performed on both a second ear biopsy and a tonsil or rectal biopsy.

272.3 (b) If a farmed white-tailed deer tests positive using an RT-QuIC test performed on both
272.4 a second ear biopsy and a tonsil or rectal biopsy, the owner must have the animal destroyed
272.5 and tested for chronic wasting disease using a postmortem test approved by the Board of
272.6 Animal Health.

272.7 (c) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph
272.8 (b), the owner must depopulate the premises of farmed Cervidae as required under section
272.9 35.155, subdivision 11.

272.10 Sec. 14. **TRANSFER OF DUTIES; FARMED WHITE-TAILED DEER.**

272.11 (a) Responsibility for administering and enforcing the statutes and rules listed in clauses
272.12 (1) and (2) for farmed white-tailed deer are, except as provided in paragraph (c), transferred
272.13 pursuant to Minnesota Statutes, section 15.039, from the Board of Animal Health to the
272.14 commissioner of natural resources:

272.15 (1) Minnesota Statutes, sections 35.153 to 35.156; and

272.16 (2) Minnesota Rules, parts 1721.0370 to 1721.0420.

272.17 (b) The Board of Animal Health retains responsibility for administering and enforcing
272.18 the statutes and rules listed in paragraph (a), clauses (1) and (2), for all other farmed Cervidae.

272.19 (c) Notwithstanding Minnesota Statutes, section 15.039, subdivision 7, the transfer of
272.20 personnel will not take place.

272.21 **EFFECTIVE DATE.** This section is effective July 1, 2025.

272.22 Sec. 15. **REVISOR INSTRUCTION.**

272.23 The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter
272.24 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 14. The revisor

70.24 Sec. 10. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
70.25 read:

70.26 Subd. 5. **Annual testing required.** (a) Once the United States Department of Agriculture
70.27 has determined that the RT-QuIC test is capable of accurately detecting chronic wasting
70.28 disease in white-tailed deer, the Board of Animal Health must have each farmed white-tailed
70.29 deer possessed by a person registered under section 35.155 annually tested for chronic
70.30 wasting disease using a real-time quaking-induced conversion (RT-QuIC) test offered by
70.31 a public or private diagnostic laboratory. Live-animal testing must consist of an ear biopsy,
71.1 the collection of which must be managed by the Board of Animal Health, with each laboratory
71.2 reporting RT-QuIC results to both the commissioner of natural resources and the Board of
71.3 Animal Health in the form required by both agencies. If a white-tailed deer tests positive,
71.4 the owner must have the animal tested a second time using an RT-QuIC test performed on
71.5 both a second ear biopsy and a tonsil or rectal biopsy.

71.6 (b) If a farmed white-tailed deer tests positive using an RT-QuIC test performed on both
71.7 a second ear biopsy and a tonsil or rectal biopsy, the owner must have the animal destroyed
71.8 and tested for chronic wasting disease using a postmortem test approved by the Board of
71.9 Animal Health.

71.10 (c) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph
71.11 (b), the owner must depopulate the premises of farmed Cervidae as required under section
71.12 35.155, subdivision 11.

136.18 Sec. 73. **TRANSFER OF DUTIES; FARMED WHITE-TAILED DEER.**

136.19 (a) Responsibility for administering and enforcing the statutes and rules listed in clauses
136.20 (1) and (2) for farmed white-tailed deer are, except as provided in paragraph (c), transferred
136.21 pursuant to Minnesota Statutes, section 15.039, from the Board of Animal Health to the
136.22 commissioner of natural resources:

136.23 (1) Minnesota Statutes, sections 35.153 to 35.156; and

136.24 (2) Minnesota Rules, parts 1721.0370 to 1721.0420.

136.25 (b) The Board of Animal Health retains responsibility for administering and enforcing
136.26 the statutes and rules listed in paragraph (a), clauses (1) and (2), for all other farmed Cervidae.

136.27 (c) Notwithstanding Minnesota Statutes, section 15.039, subdivision 7, the transfer of
136.28 personnel will not take place. The commissioner of natural resources may contract with the
136.29 Board of Animal Health for any veterinary services required to administer this program.

136.30 **EFFECTIVE DATE.** This section is effective July 1, 2025.

137.27 Sec. 77. **REVISOR INSTRUCTION.**

137.28 The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter
137.29 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 72. The revisor

272.25 must also change the responsible agency, remove obsolete language, and make necessary
272.26 cross-reference changes consistent with section 14 and the renumbering.

272.27 **ARTICLE 7**

272.28 **MISCELLANEOUS**

272.29 Section 1. **[3.8865] LEGISLATIVE WATER COMMISSION.**

272.30 Subdivision 1. **Establishment.** The Legislative Water Commission is established.

273.1 Subd. 2. **Membership.** (a) The Legislative Water Commission consists of 12 members
273.2 appointed as follows:

273.3 (1) six members of the senate, including three majority party members appointed by the
273.4 majority leader and three minority party members appointed by the minority leader; and

273.5 (2) six members of the house of representatives, including three majority party members
273.6 appointed by the speaker of the house and three minority party members appointed by the
273.7 minority leader.

273.8 (b) Members serve at the pleasure of the appointing authority and continue to serve until
273.9 their successors are appointed or until a member is no longer a member of the legislative
273.10 body that appointed the member to the commission. Vacancies must be filled in the same
273.11 manner as the original positions. Vacancies occurring on the commission do not affect the
273.12 authority of the remaining members of the Legislative Water Commission to carry out the
273.13 functions of the commission.

273.14 (c) Members must elect a chair, vice-chair, and other officers as determined by the
273.15 commission. The chair may convene meetings as necessary to perform the duties prescribed
273.16 by this section.

273.17 Subd. 3. **Commission staffing.** The Legislative Coordinating Commission must employ
273.18 staff and contract with consultants as necessary to enable the Legislative Water Commission
273.19 to carry out its duties and functions.

273.20 Subd. 4. **Powers and duties.** (a) The Legislative Water Commission must review water
273.21 policy reports and recommendations of the Environmental Quality Board, the Board of
273.22 Water and Soil Resources, the Pollution Control Agency, the Department of Natural
273.23 Resources, and the Metropolitan Council and other water-related reports as may be required
273.24 by law or the legislature.

273.25 (b) The commission may conduct public hearings and otherwise secure data and
273.26 comments.

273.27 (c) The commission must make recommendations as it deems proper to assist the
273.28 legislature in formulating legislation.

137.30 must also change the responsible agency, remove obsolete language, and make necessary
137.31 cross-reference changes consistent with section 72 and the renumbering.

273.29 (d) Data or information compiled by the Legislative Water Commission or its
273.30 subcommittees must be made available to the Legislative-Citizen Commission on Minnesota
273.31 Resources, the Clean Water Council, and standing and interim committees of the legislature
273.32 upon request of the chair of the respective commission, council, or committee.

273.33 (e) The commission must coordinate with the Clean Water Council.

274.1 Subd. 5. **Compensation.** Members of the commission may receive per diem and expense
274.2 reimbursement incurred doing the work of the commission in the manner and amount
274.3 prescribed for per diem and expense payments by the senate Committee on Rules and
274.4 Administration and the house of representatives Committee on Rules and Legislative
274.5 Administration.

274.6 Subd. 6. **Expiration.** This section expires July 1, 2028.

274.7 Sec. 2. Minnesota Statutes 2022, section 18B.01, subdivision 31, is amended to read:

274.8 Subd. 31. **Unreasonable adverse effects on the environment.** "Unreasonable adverse
274.9 effects on the environment" means any unreasonable risk to humans or the environment,
274.10 taking into account the economic, social, and environmental costs and benefits of the use
274.11 of any pesticide or seed treated with pesticide.

274.12 Sec. 3. **[18B.075] PESTICIDE-TREATED SEED.**

274.13 A person may not use, store, handle, distribute, or dispose of seed treated with pesticide
274.14 in a manner that:

274.15 (1) endangers humans, food, livestock, fish, or wildlife; or

274.16 (2) will cause unreasonable adverse effects on the environment.

274.17 Sec. 4. Minnesota Statutes 2022, section 18B.09, subdivision 2, is amended to read:

274.18 Subd. 2. **Authority.** (a) Statutory and home rule charter cities may enact an ordinance,
274.19 which may include penalty and enforcement provisions, containing one or both of the
274.20 following:

274.21 (1) the pesticide application warning information contained in subdivision 3; ~~including~~
274.22 ~~their own licensing, penalty, and enforcement provisions; and~~

274.23 (2) the pesticide prohibition contained in subdivision 4.

274.24 (b) Statutory and home rule charter cities may not enact an ordinance that contains more
274.25 restrictive pesticide application warning information than is contained in subdivision
274.26 subdivisions 3 and 4.

275.1 Sec. 5. Minnesota Statutes 2022, section 18B.09, is amended by adding a subdivision to
275.2 read:

275.3 Subd. 4. **Application of certain pesticides prohibited.** (a) A person may not apply or
275.4 use a pollinator-lethal pesticide within the geographic boundaries of a city that has enacted
275.5 an ordinance under subdivision 2 prohibiting such use.

275.6 (b) For purposes of this subdivision, "pollinator-lethal pesticide" means a pesticide that
275.7 has a pollinator protection box on the label or labeling or a pollinator, bee, or honey bee
275.8 precautionary statement in the environmental hazards section of the label or labeling.

275.9 (c) This subdivision does not apply to:

275.10 (1) pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals
275.11 that are harmful to the health of a domesticated animal;

275.12 (2) personal care products used to mitigate lice and bedbugs;

275.13 (3) indoor pest control products used to mitigate insects indoors, including ant bait;

275.14 (4) pesticides as used or applied by the Metropolitan Mosquito Control District for public
275.15 health protection if the pesticide includes vector species on the label;

275.16 (5) wood preservative pesticides used either within a sealed steel cylinder or inside an
275.17 enclosed building at a secure facility by trained technicians and pesticide-treated wood
275.18 products;

275.19 (6) pesticides used or applied to control or eradicate a noxious weed designated by the
275.20 commissioner under section 18.79, subdivision 13; and

275.21 (7) pesticides used or applied on land used for agricultural production and located in an
275.22 area zoned for agricultural use.

275.23 (d) The commissioner must maintain a list of pollinator-lethal pesticides on the
275.24 department's website.

275.25 Sec. 6. Minnesota Statutes 2022, section 21.82, subdivision 3, is amended to read:

275.26 Subd. 3. **Treated seed.** For all named agricultural, vegetable, flower, or wildflower
275.27 seeds which are treated, for which a separate label may be used, the label must contain:

275.28 (1) a word or statement to indicate that the seed has been treated;

275.29 (2) the commonly accepted, coined, chemical, or abbreviated generic chemical name of
275.30 the applied substance;

276.1 (3) the caution statement "Do not use for food, feed, or oil purposes" if the substance in
276.2 the amount present with the seed is harmful to human or other vertebrate animals;

276.3 (4) in the case of mercurials or similarly toxic substances, a poison statement and symbol;

276.4 (5) a word or statement describing the process used when the treatment is not of pesticide
276.5 origin; ~~and~~

276.6 (6) the date beyond which the inoculant is considered ineffective if the seed is treated
276.7 with an inoculant. It must be listed on the label as "inoculant: expires (month and year)" or
276.8 wording that conveys the same meaning; and

276.9 (7) the caution statement, framed in a box and including a bee icon developed by the
276.10 commissioner: "Planting seed treated with a neonicotinoid pesticide may negatively impact
276.11 pollinator health. Please use care when handling and planting this seed" for any corn or
276.12 soybean seed treated with a neonicotinoid pesticide.

276.13 Sec. 7. Minnesota Statutes 2022, section 21.86, subdivision 2, is amended to read:

276.14 Subd. 2. **Miscellaneous violations.** No person may:

276.15 (a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter
276.16 or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or
276.17 alter or falsify any seed tests, laboratory reports, records, or other documents to create a
276.18 misleading impression as to kind, variety, history, quality, or origin of the seed;

276.19 (b) hinder or obstruct in any way any authorized person in the performance of duties
276.20 under sections 21.80 to 21.92;

276.21 (c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of
276.22 any lot of seed held under a stop sale order or attached tags, except with express permission
276.23 of the enforcing officer for the purpose specified;

276.24 (d) use the word "type" in any labeling in connection with the name of any agricultural
276.25 seed variety;

276.26 (e) use the word "trace" as a substitute for any statement which is required;

276.27 (f) plant any agricultural seed which the person knows contains weed seeds or noxious
276.28 weed seeds in excess of the limits for that seed; ~~or~~

276.29 (g) advertise or sell seed containing patented, protected, or proprietary varieties used
276.30 without permission of the patent or certificate holder of the intellectual property associated
276.31 with the variety of seed; or

277.1 (h) use or sell as food, feed, oil, or ethanol feedstock any seed treated with neonicotinoid
277.2 pesticide.

277.3 Sec. 8. **[21.915] PESTICIDE-TREATED SEED USE AND DISPOSAL; CONSUMER**
277.4 **GUIDANCE REQUIRED.**

277.5 (a) The commissioner, in consultation with the commissioner of the Pollution Control
277.6 Agency, must develop and maintain consumer guidance regarding the proper use and disposal
277.7 of seed treated with pesticide.

277.8 (b) A person selling seed treated with pesticide at retail must post in a conspicuous
277.9 location the guidance developed by the commissioner under paragraph (a).

277.10 Sec. 9. Minnesota Statutes 2022, section 85A.01, subdivision 1, is amended to read:

277.11 Subdivision 1. **Creation.** (a) The Minnesota Zoological Garden is established under the
277.12 supervision and control of the Minnesota Zoological Board. The board consists of 30 public
277.13 and private sector members having a background or interest in zoological societies or zoo
277.14 management or an ability to generate community interest in the Minnesota Zoological
277.15 Garden. Fifteen members shall be appointed by the board after consideration of a list supplied
277.16 by board members serving on a nominating committee, and 15 members shall be appointed
277.17 by the governor. One member of the board must be a resident of Dakota County and shall
277.18 be appointed by the governor after consideration of the recommendation of the Dakota
277.19 County Board. Board appointees shall not be subject to the advice and consent of the senate.

277.20 (b) To the extent possible, the board and governor shall appoint members who are
277.21 residents of the various geographic regions of the state. Terms, compensation, and removal
277.22 of members are as provided in section 15.0575, except that a member may be compensated
277.23 at the rate of up to \$125 a day. In making appointments, the governor and board shall utilize
277.24 the appointment process as provided under section 15.0597 and consider, among other
277.25 factors, the ability of members to garner support for the Minnesota Zoological Garden.

277.26 (c) A member of the board may not be an employee of or have a direct or immediate
277.27 family financial interest in a business that provides goods or services to the zoo. A member
277.28 of the board may not be an employee of the zoo.

278.1 Sec. 10. Minnesota Statutes 2022, section 373.475, is amended to read:

278.2 **373.475 COUNTY ENVIRONMENTAL TRUST FUND.**

278.3 (a) Notwithstanding the provisions of chapter 282 and any other law relating to the
278.4 apportionment of proceeds from the sale of tax-forfeited land, and except as otherwise
278.5 provided in this section, a county board must deposit the money received from the sale of
278.6 land under Laws 1998, chapter 389, article 16, section 31, subdivision 3, into an
278.7 environmental trust fund established by the county under this section. The principal from
278.8 the sale of the land may not be expended, and the county board may spend interest earned
278.9 on the principal only for purposes related to the improvement of natural resources. To the
278.10 extent money received from the sale is attributable to tax-forfeited land from another county,

S2904-2

34.23 Sec. 66. **USE OF CERTAIN MONEY BY ST. LOUIS COUNTY.**

278.11 the money must be deposited in an environmental trust fund established under this section
278.12 by that county board.

278.13 (b) Notwithstanding paragraph (a), St. Louis County may use up to 50 percent of the
278.14 principal in an environmental trust fund established under this section for economic
278.15 development and environmental projects within the county that protect the environment or
278.16 create clean economy jobs and manufacturing.

278.17 Sec. 11. **[473.5491] METROPOLITAN CITIES INFLOW AND INFILTRATION**
278.18 **GRANTS.**

278.19 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
278.20 the meanings given.

278.21 (b) "Affordability criteria" means an inflow and infiltration project service area that is
278.22 located, in whole or in part, in a census tract where at least three of the following apply as
278.23 determined using the most recently published data from the United States Census Bureau
278.24 or United States Centers for Disease Control and Prevention:

278.25 (1) 20 percent or more of the residents have income below the federal poverty thresholds;

278.26 (2) the tract has a United States Centers for Disease Control and Prevention Social
278.27 Vulnerability Index greater than 0.80;

278.28 (3) the upper limit of the lowest quintile of household income is less than the state upper
278.29 limit of the lowest quintile;

278.30 (4) the housing vacancy rate is greater than the state average; or

278.31 (5) the percent of the population receiving Supplemental Nutrition Assistance Program
278.32 (SNAP) benefits is greater than the state average.

279.1 (c) "City" means a statutory or home rule charter city located within the metropolitan
279.2 area.

279.3 Subd. 2. **Grants.** (a) The council shall make grants to cities for capital improvements
279.4 in municipal wastewater collection systems to reduce the amount of inflow and infiltration
279.5 to the council's metropolitan sanitary sewer disposal system.

279.6 (b) A grant under this section may be made in an amount up to 50 percent of the cost to
279.7 mitigate inflow and infiltration in the publicly owned municipal wastewater collection
279.8 system. The council may award a grant up to 100 percent of the cost to mitigate inflow and

34.24 (a) Notwithstanding Minnesota Statutes, section 373.475, St. Louis County may use up
34.25 to 50 percent of the principal in an environmental trust fund established under that section
34.26 for economic development and environmental projects within the county that protect the
34.27 environment or create clean economy jobs and manufacturing.

34.28 (b) By October 1, 2024, St. Louis County must report to the chairs and ranking minority
34.29 members of the house of representatives and senate committees and divisions with jurisdiction
34.30 over environment on how this section was implemented or how the county plans to implement
34.31 it.

279.9 infiltration in the publicly owned municipal wastewater collection system if the project
279.10 meets affordability criteria.

279.11 Subd. 3. **Eligibility.** To be eligible for a grant under this section, a city must be identified
279.12 by the council as a contributor of excessive inflow and infiltration in the metropolitan
279.13 disposal system or have a measured flow rate within 20 percent of its allowable
279.14 council-determined inflow and infiltration limits.

279.15 Subd. 4. **Application.** The council must award grants based on applications from cities
279.16 that identify eligible capital costs and include a timeline for inflow and infiltration mitigation
279.17 construction, pursuant to guidelines established by the council. The council must prioritize
279.18 applications that meet affordability criteria.

279.19 Subd. 5. **Cancellation.** If a grant is awarded to a city and funds are not encumbered for
279.20 the grant within four years after the award date, the grant must be canceled.

279.21 Sec. 12. **[473.5492] COMMUNITY WASTEWATER COSTS; ANNUAL REPORT.**

279.22 By February 15 each year, the council must submit a report to the chairs and ranking
279.23 minority members of the legislative committees and divisions with jurisdiction over capital
279.24 investment and environment and natural resources that provides a summary of the average
279.25 monthly wastewater costs for communities in the metropolitan area for the previous calendar
279.26 year.

279.27 Sec. 13. **50-YEAR CLEAN WATER PLAN SCOPE OF WORK.**

279.28 (a) The Board of Regents of the University of Minnesota, through the University of
279.29 Minnesota Water Council, is requested to develop a scope of work, timeline, and budget
279.30 for a plan to promote and protect clean water in Minnesota for the next 50 years. The 50-year
279.31 clean water plan must:

280.1 (1) provide a literature-based assessment of the current status and trends regarding the
280.2 quality and quantity of all Minnesota waters, both surface and subsurface;

280.3 (2) identify gaps in the data or understanding and provide recommended action steps to
280.4 address gaps;

280.5 (3) identify existing and potential future threats to Minnesota's waters; and

280.6 (4) propose a road map of scenarios and policy recommendations to allow the state to
280.7 proactively protect, remediate, and conserve clean water for human use and biodiversity
280.8 for the next 50 years.

280.9 (b) The scope of work must outline the steps and resources necessary to develop the
280.10 plan, including but not limited to:

UEH2310-2

132.24 Sec. 69. **50-YEAR CLEAN WATER PLAN SCOPE OF WORK.**

132.25 (a) The University of Minnesota Water Council is requested to develop a scope of work,
132.26 timeline, and budget for a plan to promote and protect clean water in Minnesota for the next
132.27 50 years. The 50-year clean water plan must:

132.28 (1) provide a literature-based assessment of the current status and trends regarding the
132.29 quality and quantity of all Minnesota waters, both surface and subsurface;

132.30 (2) identify gaps in the data or understanding and provide recommended action steps to
132.31 address gaps;

133.1 (3) identify existing and potential future threats to Minnesota's waters; and

133.2 (4) propose a road map of scenarios and policy recommendations to allow the state to
133.3 proactively protect, remediate, and conserve clean water for human use and biodiversity
133.4 for the next 50 years.

133.5 (b) The scope of work must outline the steps and resources necessary to develop the
133.6 plan, including but not limited to:

- 280.11 (1) the data sets that are required and how the University of Minnesota will obtain access;
280.12 (2) the suite of proposed analysis methods;
280.13 (3) the roles and responsibilities of project leaders, key personnel, and stakeholders;
280.14 (4) the project timeline with milestones; and
280.15 (5) a budget with expected costs for tasks and milestones.

280.16 (c) By December 1, 2023, the Board of Regents of the University of Minnesota is
280.17 requested to submit the scope of work to the chairs and ranking minority members of the
280.18 house of representatives and senate committees and divisions with jurisdiction over
280.19 environment and natural resources.

280.20 **ARTICLE 8**

280.21 **GRANTS MANAGEMENT**

280.22 Section 1. **FINANCIAL REVIEW OF NONPROFIT GRANT RECIPIENTS**
280.23 **REQUIRED.**

280.24 Subdivision 1. **Financial review required.** (a) Before awarding a competitive,
280.25 legislatively named, single-source, or sole-source grant to a nonprofit organization under
280.26 this act, the grantor must require the applicant to submit financial information sufficient for
280.27 the grantor to document and assess the applicant's current financial standing and management.
280.28 Items of significant concern must be addressed with the applicant and resolved to the
280.29 satisfaction of the grantor before a grant is awarded. The grantor must document the material
280.30 requested and reviewed; whether the applicant had a significant operating deficit, a deficit
280.31 in unrestricted net assets, or insufficient internal controls; whether and how the applicant
281.1 resolved the grantor's concerns; and the grantor's final decision. This documentation must
281.2 be maintained in the grantor's files.

281.3 (b) At a minimum, the grantor must require each applicant to provide the following
281.4 information:

- 133.7 (1) the data sets that are required and how the University of Minnesota will obtain access;
133.8 (2) the suite of proposed analysis methods;
133.9 (3) the roles and responsibilities of project leaders, key personnel, and stakeholders;
133.10 (4) the project timeline with milestones; and
133.11 (5) a budget with expected costs for tasks and milestones.

133.12 (c) By December 1, 2023, the Board of Regents of the University of Minnesota is
133.13 requested to submit the scope of work to the chairs and ranking minority members of the
133.14 house of representatives and senate committees and divisions with jurisdiction over
133.15 environment and natural resources.

258.20 **ARTICLE 8**

258.21 **FINANCIAL REVIEW OF GRANT AND BUSINESS SUBSIDY RECIPIENTS**

258.22 Section 1. **FINANCIAL REVIEW OF GRANT AND BUSINESS SUBSIDY**
258.23 **RECIPIENTS.**

258.24 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
258.25 meanings given.

258.26 (b) "Grant" means a grant or business subsidy funded by an appropriation in this act.

258.27 (c) "Grantee" means a business entity as defined in Minnesota Statutes, section 5.001.

259.1 Subd. 2. **Financial information required; determination of ability to perform.** Before
259.2 an agency awards a competitive, legislatively named, single-source, or sole-source grant,
259.3 the agency must assess the risk that a grantee cannot or would not perform the required
259.4 duties. In making this assessment, the agency must review the following information:

259.5 (1) the grantee's history of performing duties similar to those required by the grant,
259.6 whether the size of the grant requires the grantee to perform services at a significantly
259.7 increased scale, and whether the size of the grant will require significant changes to the
259.8 operation of the grantee's organization;

281.5 (1) the applicant's most recent Form 990, Form 990-EZ, or Form 990-N filed with the
281.6 Internal Revenue Service. If the applicant has not been in existence long enough or is not
281.7 required to file Form 990, Form 990-EZ, or Form 990-N, the applicant must demonstrate
281.8 to the grantor that the applicant is exempt and must instead submit documentation of internal
281.9 controls and the applicant's most recent financial statement prepared in accordance with
281.10 generally accepted accounting principles and approved by the applicant's board of directors
281.11 or trustees or, if there is no such board, by the applicant's managing group;

281.12 (2) evidence of registration and good standing with the secretary of state under Minnesota
281.13 Statutes, chapter 317A, or other applicable law;

281.14 (3) unless exempt under Minnesota Statutes, section 309.515, evidence of registration
281.15 and good standing with the attorney general under Minnesota Statutes, chapter 309; and

281.16 (4) if required under Minnesota Statutes, section 309.53, subdivision 3, the applicant's
281.17 most recent audited financial statement prepared in accordance with generally accepted
281.18 accounting principles.

281.19 Subd. 2. **Authority to postpone or forgo.** Notwithstanding any contrary provision in
281.20 this act, a grantor that identifies an area of significant concern regarding the financial standing
281.21 or management of a legislatively named applicant may postpone or forgo awarding the
281.22 grant.

281.23 Subd. 3. **Authority to award subject to additional assistance and oversight.** A grantor
281.24 that identifies an area of significant concern regarding an applicant's financial standing or
281.25 management may award a grant to the applicant if the grantor provides or the grantee
281.26 otherwise obtains additional technical assistance, as needed, and the grantor imposes
281.27 additional requirements in the grant agreement. Additional requirements may include but

259.9 (2) for a grantee that is a nonprofit organization, the grantee's Form 990 or Form 990-EZ
259.10 filed with the Internal Revenue Service in each of the prior three years. If the grantee has
259.11 not been in existence long enough or is not required to file Form 990 or Form 990-EZ, the
259.12 grantee must demonstrate to the grantor's satisfaction that the grantee is exempt and must
259.13 instead submit the grantee's most recent board-reviewed financial statements and
259.14 documentation of internal controls;

259.15 (3) for a for-profit business, three years of federal and state tax returns, current financial
259.16 statements, certification that the business is not under bankruptcy proceedings, and disclosure
259.17 of any liens on its assets. If a business has not been in business long enough to have three
259.18 years of tax returns, the grantee must demonstrate to the grantor's satisfaction that the grantee
259.19 has appropriate internal financial controls;

259.20 (4) evidence of registration and good standing with the secretary of state under Minnesota
259.21 Statutes, chapter 317A, or other applicable law;

259.22 (5) if the grantee's total annual revenue exceeds \$750,000, the grantee's most recent
259.23 financial audit performed by an independent third party in accordance with generally accepted
259.24 accounting principles; and

259.25 (6) certification, provided by the grantee, that none of its principals have been convicted
259.26 of a financial crime.

260.1 Subd. 5. **Agency authority to not award grant.** If an agency determines that there is
260.2 an appreciable risk that a grantee receiving a competitive, single-source, or sole-source
260.3 grant cannot or would not perform the required duties under the grant agreement, the agency
260.4 must notify the grantee and the commissioner of administration and give the grantee an
260.5 opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's
260.6 concerns within 45 days, the agency must not award the grant.

259.27 Subd. 3. **Additional measures for some grantees.** The agency may require additional
259.28 information and must provide enhanced oversight for grants that have not previously received
259.29 state or federal grants for similar amounts or similar duties and so have not yet demonstrated
259.30 the ability to perform the duties required under the grant on the scale required.

281.28 are not limited to enhanced monitoring, additional reporting, or other reasonable requirements
281.29 imposed by the grantor to protect the interests of the state.

281.30 Subd. 4. **Relation to other law and policy.** The requirements in this section are in
281.31 addition to any other requirements imposed by law; the commissioner of administration
281.32 under Minnesota Statutes, sections 16B.97 and 16B.98; or agency policy.

259.31 Subd. 4. **Assistance from administration.** An agency without adequate resources or
259.32 experience to perform obligations under this section may contract with the commissioner
259.33 of administration to perform the agency's duties under this section.

260.7 Subd. 6. **Legislatively named grantees.** If an agency determines that there is an
260.8 appreciable risk that a grantee receiving a legislatively named grant cannot or would not
260.9 perform the required duties under the grant agreement, the agency must notify the grantee,
260.10 the commissioner of administration, the chair and ranking minority member of the Ways
260.11 and Means Committee in the house of representatives, the chair and ranking minority member
260.12 of the Finance Committee in the senate, and the chairs and ranking minority members of
260.13 the committees in the house of representatives and the senate with primary jurisdiction over
260.14 the bill in which the money for the grant was appropriated. The agency must give the grantee
260.15 an opportunity to respond to the agency's concerns. If the grantee does not satisfy the agency's
260.16 concerns within 45 days, the agency must delay award of the grant until adjournment of the
260.17 next regular or special legislative session.

260.18 Subd. 7. **Subgrants.** If a grantee will disburse the money received from the grant to
260.19 other organizations to perform duties required under the grant agreement, the agency must
260.20 be a party to agreements between the grantee and a subgrantee. Before entering agreements
260.21 for subgrants, the agency must perform the financial review required under this section with
260.22 respect to the subgrantees.

260.23 Subd. 8. **Effect.** The requirements of this section are in addition to other requirements
260.24 imposed by law; the commissioner of administration under Minnesota Statutes, sections
260.25 16B.97 and 16B.98; or agency grant policy.